

23-13-1. Title.

This title is known as the "Wildlife Resources Code of Utah."

Amended by Chapter 306, 2007 General Session

23-13-2. Definitions.

As used in this title:

(1) "Activity regulated under this title" means any act, attempted act, or activity prohibited or regulated under any provision of Title 23, Wildlife Resources Code of Utah, or the rules, and proclamations promulgated thereunder pertaining to protected wildlife including:

- (a) fishing;
- (b) hunting;
- (c) trapping;
- (d) taking;
- (e) permitting any dog, falcon, or other domesticated animal to take;
- (f) transporting;
- (g) possessing;
- (h) selling;
- (i) wasting;
- (j) importing;
- (k) exporting;
- (l) rearing;
- (m) keeping;
- (n) utilizing as a commercial venture; and
- (o) releasing to the wild.

(2) "Aquatic animal" has the meaning provided in Section 4-37-103.

(3) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or amphibians.

(4) "Aquaculture facility" has the meaning provided in Section 4-37-103.

(5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that one person may legally take during one day.

(6) "Big game" means species of hooved protected wildlife.

(7) "Carcass" means the dead body of an animal or its parts.

(8) "Certificate of registration" means a document issued under this title, or any rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit, or tag.

(9) "Closed season" means the period of time during which the taking of protected wildlife is prohibited.

(10) "Conservation officer" means a full-time, permanent employee of the Division of Wildlife Resources who is POST certified as a peace or a special function officer.

(11) "Dedicated hunter program" means a program that provides:

- (a) expanded hunting opportunities;
- (b) opportunities to participate in projects that are beneficial to wildlife; and
- (c) education in hunter ethics and wildlife management principles.

- (12) "Division" means the Division of Wildlife Resources.
- (13) (a) "Domicile" means the place:
- (i) where an individual has a fixed permanent home and principal establishment;
 - (ii) to which the individual if absent, intends to return; and
 - (iii) in which the individual, and the individual's family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.
- (b) To create a new domicile an individual shall:
- (i) abandon the old domicile; and
 - (ii) be able to prove that a new domicile has been established.
- (14) "Endangered" means wildlife designated as endangered according to Section 3 of the federal Endangered Species Act of 1973.
- (15) "Fee fishing facility" has the meaning provided in Section 4-37-103.
- (16) "Feral" means an animal that is normally domesticated but has reverted to the wild.
- (17) "Fishing" means to take fish or crayfish by any means.
- (18) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and Castoridae families, except coyote and cougar.
- (19) "Game" means wildlife normally pursued, caught, or taken by sporting means for human use.
- (20) "Guide" means a person who receives compensation or advertises services for assisting another person to take protected wildlife, including the provision of food, shelter, or transportation, or any combination of these.
- (21) "Guide's agent" means a person who is employed by a guide to assist another person to take protected wildlife.
- (22) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any means.
- (23) "Intimidate or harass" means to physically interfere with or impede, hinder, or diminish the efforts of an officer in the performance of the officer's duty.
- (24) "Nonresident" means a person who does not qualify as a resident.
- (25) "Open season" means the period of time during which protected wildlife may be legally taken.
- (26) "Pecuniary gain" means the acquisition of money or something of monetary value.
- (27) "Permit" means a document, including a stamp, that grants authority to engage in specified activities under this title or a rule or proclamation of the Wildlife Board.
- (28) "Person" means an individual, association, partnership, government agency, corporation, or an agent of the foregoing.
- (29) "Possession" means actual or constructive possession.
- (30) "Possession limit" means the number of bag limits one individual may legally possess.
- (31) (a) "Private fish pond" means a body of water where privately owned, protected aquatic wildlife are propagated or kept for a noncommercial purpose.
- (b) "Private fish pond" does not include an aquaculture facility or fee fishing facility.
- (32) "Private wildlife farm" means an enclosed place where privately owned

birds or furbearers are propagated or kept and that restricts the birds or furbearers from:

(a) commingling with wild birds or furbearers; and

(b) escaping into the wild.

(33) "Proclamation" means the publication used to convey a statute, rule, policy, or pertinent information as it relates to wildlife.

(34) (a) "Protected aquatic wildlife" means aquatic wildlife as defined in Subsection (3), except as provided in Subsection (34)(b).

(b) "Protected aquatic wildlife" does not include aquatic insects.

(35) (a) "Protected wildlife" means wildlife as defined in Subsection (49), except as provided in Subsection (35)(b).

(b) "Protected wildlife" does not include coyote, field mouse, gopher, ground squirrel, jack rabbit, muskrat, and raccoon.

(36) "Released to the wild" means to be turned loose from confinement.

(37) (a) "Resident" means a person who:

(i) has been domiciled in the state for six consecutive months immediately preceding the purchase of a license; and

(ii) does not claim residency for hunting, fishing, or trapping in any other state or country.

(b) A Utah resident retains Utah residency if that person leaves this state:

(i) to serve in the armed forces of the United States or for religious or educational purposes; and

(ii) the person complies with Subsection (37)(a)(ii).

(c) (i) A member of the armed forces of the United States and dependents are residents for the purposes of this chapter as of the date the member reports for duty under assigned orders in the state if the member:

(A) is not on temporary duty in this state; and

(B) complies with Subsection (37)(a)(ii).

(ii) A copy of the assignment orders shall be presented to a wildlife division office to verify the member's qualification as a resident.

(d) A nonresident attending an institution of higher learning in this state as a full-time student may qualify as a resident for purposes of this chapter if the student:

(i) has been present in this state for 60 consecutive days immediately preceding the purchase of the license; and

(ii) complies with Subsection (37)(a)(ii).

(e) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping is purchased in any other state or country.

(f) An absentee landowner paying property tax on land in Utah does not qualify as a resident.

(38) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging, or trading.

(39) "Small game" means species of protected wildlife:

(a) commonly pursued for sporting purposes; and

(b) not classified as big game, aquatic wildlife, or furbearers and excluding turkey, cougar, and bear.

(40) "Spoiled" means impairment of the flesh of wildlife which renders it unfit for

human consumption.

(41) "Spotlighting" means throwing or casting the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest while having in possession a weapon by which protected wildlife may be killed.

(42) "Tag" means a card, label, or other identification device issued for attachment to the carcass of protected wildlife.

(43) "Take" means to:

(a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill any protected wildlife; or

(b) attempt any action referred to in Subsection (43)(a).

(44) "Threatened" means wildlife designated as such pursuant to Section 3 of the federal Endangered Species Act of 1973.

(45) "Trapping" means taking protected wildlife with a trapping device.

(46) "Trophy animal" means an animal described as follows:

(a) deer - a buck with an outside antler measurement of 24 inches or greater;

(b) elk - a bull with six points on at least one side;

(c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;

(d) moose - a bull with at least one antler exceeding five inches in length;

(e) mountain goat - a male or female;

(f) pronghorn antelope - a buck with horns exceeding 14 inches; or

(g) bison - a bull.

(47) "Waste" means to abandon protected wildlife or to allow protected wildlife to spoil or to be used in a manner not normally associated with its beneficial use.

(48) "Water pollution" means the introduction of matter or thermal energy to waters within this state that:

(a) exceeds state water quality standards; or

(b) could be harmful to protected wildlife.

(49) "Wildlife" means:

(a) crustaceans, including brine shrimp and crayfish;

(b) mollusks; and

(c) vertebrate animals living in nature, except feral animals.

Amended by Chapter 297, 2011 General Session

23-13-3. Wildlife declared property of the state.

All wildlife existing within this state, not held by private ownership and legally acquired, is the property of the state.

Amended by Chapter 27, 1992 General Session

23-13-4. Captivity of protected wildlife unlawful.

It is unlawful for any person to hold in captivity at any time any protected wildlife except as provided by this code or rules and regulations of the Wildlife Board.

Enacted by Chapter 46, 1971 General Session

23-13-5. Importation or exportation and release of wildlife unlawful.

It is unlawful for any person to import into or export from the state of Utah any species of live native or exotic wildlife or to possess or release from captivity any such imported live wildlife except as provided in this code or the rules and regulations of the Wildlife Board without first securing written permission from the division of Wildlife Resources.

Amended by Chapter 33, 1973 General Session

23-13-6. Taking of wildlife by division.

The Division of Wildlife resources may take wildlife of any kind from any place and in any manner for purposes deemed by the director to be in the interest of wildlife conservation.

Amended by Chapter 56, 1995 General Session

23-13-7. Use of fireworks and explosives by division employees and certain federal game agents.

Notwithstanding any other provision of law, employees of the Division of Wildlife Resources and federal game agents charged with the duty of managing wildlife resources may, without obtaining a permit, use fireworks and explosives to rally, drive, or otherwise disperse concentrations of wildlife as may be necessary to protect property or wildlife resources.

Amended by Chapter 76, 1986 General Session

23-13-8. Private wildlife farms.

(1) Any person may establish and maintain private wildlife farms for propagating, rearing, and keeping furbearers or birds classified as protected wildlife and may sell or dispose of wildlife reared upon such farms except that disposal may not include release to the wild without first securing written permission from the Wildlife Board. Before establishing such farm, a person shall obtain written authorization from the Division of Wildlife Resources in accordance with rules established by the Wildlife Board. Any wildlife which escapes from private wildlife farms becomes the property of the state.

(2) This section does not apply to private fur farms established and maintained for rearing domesticated, privately owned mink or chinchilla which were not acquired as wild animals from any state or country, nor does it provide for the propagating, rearing, and keeping of any protected wildlife other than those specified in this section.

Amended by Chapter 76, 1986 General Session

23-13-11. Violations.

Except as otherwise provided in this title:

- (1) a violation of any provision of this title is a class B misdemeanor; and
- (2) a violation of any rule or proclamation of the Wildlife Board is an infraction.

Amended by Chapter 347, 2009 General Session

23-13-12.5. Agreement with a tribe.

(1) As used in this section, "tribe" means a federally recognized:

- (a) Indian tribe; or
- (b) Indian band.

(2) (a) Subject to the requirements of this section, the governor may enter into an agreement with a tribe to settle a dispute between the state and the tribe concerning a hunting, fishing, or trapping right claim that is:

- (i) based on:
 - (A) a treaty;
 - (B) an aboriginal right; or
 - (C) other recognized federal right; and
- (ii) on lands located within the state.

(b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection (2)(a) may not exempt any person from the requirements of this title.

(c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a tribe that is a party to the agreement or a member of that tribe from:

- (i) Section 23-16-5, placing a limit of one of any species of big game during a license year;
 - (ii) Section 23-16-6, commencement date of the general deer season;
 - (iii) a hunter or furharvester education requirement under Chapter 19, Licenses, Permits, and Tags;
 - (iv) an age restriction under Chapter 19, Licenses, Permits, and Tags;
 - (v) paying a fee required under this title to obtain a hunting, fishing, or trapping license or permit;
 - (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or
 - (vii) complying with a rule or proclamation of the Wildlife Board if the exemption is not inconsistent with this title.
- (d) An agreement permitted under Subsection (2)(a) shall:
- (i) be in writing;
 - (ii) be signed by:
 - (A) the governor; and
 - (B) the governing body of the tribe that:
 - (I) is designated by the tribe; and
 - (II) may bind the tribe to the terms of the agreement;
 - (iii) be conditioned on obtaining any approval required by federal law;
 - (iv) state the effective date of the agreement;
 - (v) provide that the governor shall renegotiate the agreement if the agreement is or becomes inconsistent with a state statute for which an exemption is not authorized under this section; and
 - (vi) include any accommodation made by the tribe that:
 - (A) is agreed to by the tribe;
 - (B) is reasonably related to the agreement; and
 - (C) concerns the management and use of wildlife resources or habitat.
- (e) Prior to executing an agreement under this Subsection (2), the governor

shall consult with:

- (i) the division; and
- (ii) the chair of the Wildlife Board created in Section 23-14-2.

(f) At least 30 days before the agreement under this Subsection (2) is executed, the governor or the governor's designee shall provide a copy of the agreement in the form that the agreement will be executed to:

- (i) the chairs of the Native American Legislative Liaison Committee; and
- (ii) the Office of Legislative Research and General Counsel.

Amended by Chapter 70, 2002 General Session

23-13-13. Commercialization of wildlife unlawful.

It shall be unlawful for any person to utilize wildlife as a commercial venture for financial gain except as provided in this code or under rules and regulations of the Wildlife Board.

Amended by Chapter 60, 1975 General Session

23-13-14. Release of wildlife unlawful -- Penalty.

It is unlawful for any person to release any terrestrial or aquatic wildlife into the wild except as provided in this title. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

Amended by Chapter 76, 1986 General Session

23-13-15. Hunting and Fishing Day.

In recognition of the substantial and continued contribution by hunters and fishermen toward the sound management of wildlife in Utah, the fourth Saturday of September of each year is hereby established as Utah State Hunting and Fishing Day.

Enacted by Chapter 33, 1973 General Session

23-13-16. Judicial notice of proclamations.

The courts shall take judicial notice of any proclamation published under the authority of this title.

Enacted by Chapter 261, 1992 General Session

23-13-17. Spotlighting of coyote, red fox, striped skunk, and raccoon -- County ordinances -- Permits.

(1) Spotlighting may be used to hunt coyote, red fox, striped skunk, or raccoon where allowed by a county ordinance enacted pursuant to this section.

(2) The ordinance shall provide that:

(a) any artificial light used to spotlight coyote, red fox, striped skunk, or raccoon shall be carried by the hunter;

(b) a motor vehicle headlight or light attached to or powered by a motor vehicle

may not be used to spotlight the animal; and

(c) while hunting with the use of an artificial light, the hunter may not occupy or operate any motor vehicle.

(3) For purposes of the county ordinance, "motor vehicle" shall have the meaning as defined in Section 41-6a-102.

(4) The ordinance may specify:

(a) the time of day and seasons when spotlighting is permitted;

(b) areas closed or open to spotlighting within the unincorporated area of the county;

(c) safety zones within which spotlighting is prohibited;

(d) the weapons permitted; and

(e) penalties for violation of the ordinance.

(5) (a) A county may restrict the number of hunters engaging in spotlighting by requiring a permit to spotlight and issuing a limited number of permits.

(b) (i) A fee may be charged for a spotlighting permit.

(ii) Any permit fee shall be established by the county ordinance.

(iii) Revenues generated by the permit fee shall be remitted to the Division of Wildlife Resources for deposit into the Wildlife Resources Account, except the Wildlife Board may allow any county that enacts an ordinance pursuant to this section to retain a reasonable amount to pay for the costs of administering and enforcing the ordinance, provided this use of the permit revenues does not affect federal funds received by the state under 16 U.S.C. Sec. 669 et seq., Wildlife Restoration Act and 16 U.S.C. Sec. 777 et seq., Sport Fish Restoration Act.

(6) A county may require hunters to notify the county sheriff of the time and place they will be engaged in spotlighting.

(7) The requirement that a county ordinance shall be enacted before a person may use spotlighting to hunt coyote, red fox, striped skunk, or raccoon does not apply to:

(a) a person or the person's agent who is lawfully acting to protect the person's crops or domestic animals from predation by those animals; or

(b) an animal damage control agent acting in the agent's official capacity under a memorandum of agreement with the division.

Amended by Chapter 297, 2011 General Session

23-13-18. Use of a computer or other device to remotely hunt wildlife prohibited.

(1) A person may not use a computer or other device to remotely control the aiming and discharge of a firearm or other weapon for hunting an animal.

(2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

Enacted by Chapter 34, 2008 General Session

23-13-19. Administering substances to protected wildlife prohibited -- Exceptions.

(1) For purposes of this section:

- (a) "Administer" means the application of a substance by any method, including:
 - (i) injection;
 - (ii) inhalation;
 - (iii) ingestion; or
 - (iv) absorption.
- (b) "Agricultural producer" means a person who produces an agricultural product.
- (c) "Agricultural product" is as defined in Section 4-1-8.
- (d) "Substance" means a chemical or organic substance that:
 - (i) pacifies;
 - (ii) sedates;
 - (iii) immobilizes;
 - (iv) harms;
 - (v) kills;
 - (vi) controls fertility; or
 - (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).
- (2) Except as authorized by Subsection (3) or a rule made by the Wildlife Board, a person may not administer or attempt to administer a substance to protected wildlife.
- (3) (a) A division employee or a person with written permission from the division may administer a substance to protected wildlife if that employee or person administers the substance to promote wildlife management and conservation.
- (b) One or more of the following may administer a substance to protected wildlife that the person is authorized by this title, the Wildlife Board, or the division to possess:
 - (i) a licensed veterinarian;
 - (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
 - (iii) a person who is following written instructions for veterinary care from a licensed veterinarian.
- (4) A person is not liable under this section for administering a substance, notwithstanding the substance has an effect described in Subsection (1)(d) on protected wildlife, if:
 - (a) an agricultural producer administers the substance:
 - (i) for the sole purpose of producing an agricultural product and not for the purpose of affecting protected wildlife in a manner described in Subsection (1)(d);
 - (ii) consistent with generally accepted agricultural practices; and
 - (iii) in compliance with applicable local, state, and federal law; or
 - (b) the protected wildlife presents an immediate threat of death or serious bodily injury to a person.

Enacted by Chapter 308, 2009 General Session

23-14-1. Division of Wildlife Resources -- Creation -- General powers and duties -- Limits on authority of political subdivisions.

(1) (a) There is created the Division of Wildlife Resources within the Department of Natural Resources under the administration and general supervision of the executive

director of the Department of Natural Resources.

(b) The Division of Wildlife Resources is the wildlife authority for Utah and is vested with the functions, powers, duties, rights, and responsibilities provided in this title and other law.

(2) (a) Subject to the broad policymaking authority of the Wildlife Board, the Division of Wildlife Resources shall protect, propagate, manage, conserve, and distribute protected wildlife throughout the state.

(b) The Division of Wildlife Resources is appointed as the trustee and custodian of protected wildlife and may initiate civil proceedings, in addition to criminal proceedings provided for in this title, to:

- (i) recover damages;
- (ii) compel performance;
- (iii) compel substitution;
- (iv) restrain or enjoin;
- (v) initiate any other appropriate action; and
- (vi) seek any appropriate remedies in its capacity as trustee and custodian.

(3) (a) If a political subdivision of the state adopts ordinances or regulations concerning hunting, fishing, or trapping that conflict with this title or rules promulgated pursuant to this title, state law shall prevail.

(b) Communities may close areas to hunting for safety reasons after confirmation by the Wildlife Board.

Amended by Chapter 211, 1995 General Session

23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum -- Meetings -- Per diem and expenses.

(1) There is created a Wildlife Board which shall consist of seven members appointed by the governor with the consent of the Senate.

(2) (a) In addition to the requirements of Section 79-2-203, the members of the board shall have expertise or experience in at least one of the following areas:

- (i) wildlife management or biology;
- (ii) habitat management, including range or aquatic;
- (iii) business, including knowledge of private land issues; and
- (iv) economics, including knowledge of recreational wildlife uses.

(b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at least one member of the Wildlife Board.

(3) (a) The governor shall select each board member from a list of nominees submitted by the nominating committee pursuant to Section 23-14-2.5.

(b) No more than two members shall be from a single wildlife region described in Subsection 23-14-2.6(1).

(c) The governor may request an additional list of at least two nominees from the nominating committee if the initial list of nominees for a given position is unacceptable.

(d) (i) If the governor fails to appoint a board member within 60 days after receipt of the initial or additional list, the nominating committee shall make an interim appointment by majority vote.

(ii) The interim board member shall serve until the matter is resolved by the committee and the governor or until the board member is replaced pursuant to this chapter.

(4) (a) Except as required by Subsection (4)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a six-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that:

(i) the terms of board members are staggered so that approximately one-third of the board is appointed every two years; and

(ii) members serving from the same region have staggered terms.

(c) If a vacancy occurs, the nominating committee shall submit two names, as provided in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for the unexpired term.

(d) Board members may serve only one term unless:

(i) the member is among the first board members appointed to serve four years or less; or

(ii) the member filled a vacancy under Subsection (4)(c) for four years or less.

(5) (a) The board shall elect a chair and a vice chair from its membership.

(b) Four members of the board shall constitute a quorum.

(c) The director of the Division of Wildlife Resources shall act as secretary to the board but is not a voting member of the board.

(6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year to expeditiously conduct its business.

(b) Meetings may be called by the chair upon five days notice or upon shorter notice in emergency situations.

(c) Meetings may be held at the Salt Lake City office of the Division of Wildlife Resources or elsewhere as determined by the Wildlife Board.

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(8) (a) The members of the Wildlife Board shall complete an orientation course to assist them in the performance of the duties of their office.

(b) The Department of Natural Resources shall provide the course required under Subsection (8)(a).

Amended by Chapter 297, 2011 General Session

23-14-2.1. Procedures -- Adjudicative proceedings.

The Division of Wildlife Resources shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

23-14-2.5. Wildlife Board Nominating Committee -- Creation -- Membership -- Terms -- Quorum.

(1) There is created a Wildlife Board Nominating Committee which shall consist of 11 members.

(2) The governor shall appoint members to the nominating committee as follows:

(a) three members shall be appointed from a list of at least two nominees per position submitted by the agriculture industry;

(b) three members shall be appointed from a list of at least two nominees per position submitted by sportsmen groups;

(c) two members shall be appointed from a list of at least two nominees per position submitted by nonconsumptive wildlife interests;

(d) one member shall be appointed from a list of at least two nominees submitted by federal land management agencies;

(e) one local elected official shall be appointed from a list of at least two nominees submitted by the Utah Association of Counties; and

(f) one range management specialist shall be appointed from a list of at least two nominees submitted jointly by the Utah Chapter, Society of Range Management and the Utah Chapter, Wildlife Society.

(3) Each wildlife region described in Subsection 23-14-2.6(1) shall be represented by at least one member and no wildlife region may be represented by more than three members.

(4) The nominating committee shall nominate at least two, but not more than four, candidates for each position or vacancy which occurs on the board.

(5) (a) Except as required by Subsection (5)(b), as terms of current board members expire, the governor shall appoint each new or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that:

(i) the terms of board members are staggered so that approximately half of the board is appointed every two years; and

(ii) members from the same wildlife region serve staggered terms.

(c) If a vacancy occurs for any reason, the governor shall appoint a replacement in the same manner that the position was originally filled to serve the remainder of the unexpired term.

(6) The nominating committee shall select a chair and vice chair from its membership.

(7) Six members shall constitute a quorum.

Amended by Chapter 36, 2003 General Session

23-14-2.6. Regional advisory councils -- Creation -- Membership -- Duties -- Per diem and expenses.

(1) There are created five regional advisory councils which shall consist of 12 to 15 members each from the wildlife region whose boundaries are established for

administrative purposes by the division.

(2) The members shall include individuals who represent the following groups and interests:

- (a) agriculture;
- (b) sportsmen;
- (c) nonconsumptive wildlife;
- (d) locally elected public officials;
- (e) federal land agencies; and
- (f) the public at large.

(3) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, shall select the members from a list of nominees submitted by the respective interest group or agency.

(4) The councils shall:

- (a) hear broad input, including recommendations, biological data, and information regarding the effects of wildlife;
- (b) gather information from staff, the public, and government agencies; and
- (c) make recommendations to the Wildlife Board in an advisory capacity.

(5) (a) Except as required by Subsection (5)(b), each member shall serve a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(7) The councils shall determine:

- (a) the time and place of meetings; and
- (b) any other procedural matter not specified in this chapter.

(8) Members of the councils shall complete an orientation course as provided in Subsection 23-14-2(8).

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 286, 2010 General Session

Amended by Chapter 324, 2010 General Session

23-14-3. Powers of division to determine facts -- Policy-making powers of Wildlife Board.

(1) The Division of Wildlife Resources may determine the facts relevant to the wildlife resources of this state.

(2) (a) Upon a determination of these facts, the Wildlife Board shall establish the policies best designed to accomplish the purposes and fulfill the intent of all laws

pertaining to wildlife and the preservation, protection, conservation, perpetuation, introduction, and management of wildlife.

(b) In establishing policy, the Wildlife Board shall:

(i) recognize that wildlife and its habitat are an essential part of a healthy, productive environment;

(ii) recognize the impact of wildlife on man, his economic activities, private property rights, and local economies;

(iii) seek to balance the habitat requirements of wildlife with the social and economic activities of man;

(iv) recognize the social and economic values of wildlife, including fishing, hunting, and other uses; and

(v) seek to maintain wildlife on a sustainable basis.

(c) (i) The Wildlife Board shall consider the recommendations of the regional advisory councils established in Section 23-14-2.6.

(ii) If a regional advisory council recommends a position or action to the Wildlife Board, and the Wildlife Board rejects the recommendation, the Wildlife Board shall provide a written explanation to the regional advisory council.

(3) No authority conferred upon the Wildlife Board by this title shall supersede the administrative authority of the executive director of the Department of Natural Resources or the director of the Division of Wildlife Resources.

Amended by Chapter 211, 1995 General Session

23-14-7. Functions and qualifications of director.

(1) The director shall:

(a) be the executive and administrative head of the Division of Wildlife Resources; and

(b) have demonstrated ability in management and administration and experience in the protection, conservation, restoration, and management of wildlife resources.

(2) The director may not hold any other public office or be involved in a political party or organization.

Amended by Chapter 56, 1995 General Session

23-14-8. Director -- Executive authority and control -- Power to declare emergency seasons.

The director of the Division of Wildlife Resources, under administrative supervision of the executive director of the Department of Natural Resources, shall have:

(1) executive authority and control of the Division of Wildlife Resources so that policies of the Wildlife Board are carried out in accordance with the laws of this state;

(2) authority over all personnel matters;

(3) full control of all property acquired and held for the purposes specified in this title; and

(4) authority to declare emergency closed or open seasons in the interest of the

wildlife resources of the state.

Amended by Chapter 211, 1995 General Session

23-14-10. Compensation of division employees -- Travel expenses of director and employees.

Employees of the Division of Wildlife Resources shall receive such compensation as the director shall determine within limits established for state employees by the Division of Finance. In addition to salaries provided for within this title, the director and employees of the Division of Wildlife Resources are entitled to receive travel expenses as provided in the rules established by the Division of Finance.

Amended by Chapter 22, 1989 General Session

23-14-11. Official seal of division.

The Division of Wildlife Resources shall adopt an official seal and file an impression and a description of it with the Division of Archives.

Amended by Chapter 67, 1984 General Session

23-14-12. Oaths administered by director.

The director of wildlife resources shall have the power to administer oaths for all purposes required in the discharge of his duties.

Enacted by Chapter 46, 1971 General Session

23-14-13. Wildlife Resources Account.

(1) There is created a restricted account within the General Fund known as the "Wildlife Resources Account."

(2) The following money shall be deposited into the Wildlife Resources Account:

(a) revenue from the sale of licenses, permits, tags, and certificates of registration issued under this title or a rule or proclamation of the Wildlife Board, except as otherwise provided by this title;

(b) revenue from the sale, lease, rental, or other granting of rights of real or personal property acquired with revenue specified in Subsection (2)(a);

(c) revenue from fines and forfeitures for violations of this title or any rule, proclamation, or order of the Wildlife Board, minus court costs not to exceed the schedule adopted by the Judicial Council;

(d) funds appropriated from the General Fund by the Legislature pursuant to Section 23-19-39;

(e) other money received by the division under any provision of this title, except as otherwise provided by this title;

(f) contributions made in accordance with Section 59-10-1305; and

(g) interest, dividends, or other income earned on account money.

(3) Money in the Wildlife Resources Account shall be used for the administration of this title.

Amended by Chapter 278, 2010 General Session

23-14-14. Grants or gifts accepted by division -- Special account.

The Division of Wildlife Resources is authorized to accept grants or gifts of money, property, water rights or other endowments that will benefit the wildlife resources of the state. Money as received shall be placed in a special account to be used for specific use as indicated by the grantor.

Enacted by Chapter 46, 1971 General Session

23-14-14.2. Wildlife Resources Conservation Easement Restricted Account.

(1) There is created within the General Fund a restricted account known as the Wildlife Resources Conservation Easement Account.

(2) The Wildlife Resources Conservation Easement Account consists of:

- (a) grants from private foundations;
- (b) grants from local governments, the state, or the federal government;
- (c) grants from the Quality Growth Commission created under Section 11-38-201;
- (d) donations from landowners for monitoring and managing conservation easements;

(e) donations from any other person; and

(f) interest on account money.

(3) Upon appropriation by the Legislature, the Division of Wildlife Resources shall use money from the account to monitor and manage conservation easements held by the division.

(4) The division may not receive or expend donations from the account to acquire conservation easements.

Enacted by Chapter 189, 2007 General Session

23-14-16. Unexpended fund balances converted to general fund account.

The state auditor and director of the Division of Finance shall, at the close of the fiscal year, convert into the Wildlife Resources Account in the General Fund all unexpended balances of the wildlife resources fund not legally obligated by contract or appropriated by the Wildlife Board for capital outlay projects or other programs which may extend beyond the close of the fiscal year.

Amended by Chapter 30, 1992 General Session

23-14-18. Establishment of seasons, locations, limits, and regulations by Wildlife Board.

(1) To provide an adequate and flexible system of protection, propagation, introduction, increase, control, harvest, management, and conservation of protected wildlife in this state and to provide for the use and development of protected wildlife for

public recreation and food supply while maintaining a sustainable population of protected wildlife, the Wildlife Board shall determine the circumstances, time, location, means, and the amounts, and numbers of protected wildlife which may be taken.

(2) The Wildlife Board shall, except as otherwise specified in this code:

(a) fix seasons and shorten, extend, or close seasons on any species of protected wildlife in any locality, or in the entire state, if the board finds that the action is necessary to effectuate proper wildlife management and control;

(b) close or open areas to fishing, trapping, or hunting;

(c) establish refuges and preserves;

(d) regulate and prescribe the means by which protected wildlife may be taken;

(e) regulate the transportation and storage of protected wildlife, or their parts, within the boundaries of the state and the shipment or transportation out of the state;

(f) establish or change bag limits and possession limits;

(g) prescribe safety measures and establish other regulations as may be considered necessary in the interest of wildlife conservation and the safety and welfare of hunters, trappers, fishermen, landowners, and the public;

(h) (i) prescribe when licenses, permits, tags, and certificates of registration shall be required and procedures for their issuance and use; and

(ii) establish forms and fees for licenses, permits, tags, and certificates of registration; and

(i) prescribe rules and regulations as it may consider necessary to control the use and harvest of protected wildlife by private associations, clubs, partnerships, or corporations, provided the rules and regulations do not preclude the landowner from personally controlling trespass upon the owner's properties nor from charging a fee to trespass for purposes of hunting or fishing.

(3) The Wildlife Board may allow a season on protected wildlife to commence on any day of the week except Sunday.

(4) The Wildlife Board shall establish fees for licenses, permits, tags, and certificates of registration in accordance with Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

23-14-19. Rules, proclamations, and orders of the Wildlife Board.

The Wildlife Board shall exercise its powers by making rules and issuing proclamations and orders pursuant to this code.

Amended by Chapter 211, 1995 General Session

23-14-21. Transplants of big game, turkeys, wolves, or sensitive species.

(1) The division may transplant big game, turkeys, wolves, or sensitive species only in accordance with:

(a) a list of sites for the transplant of a particular species that is prepared and adopted in accordance with Subsections (2) through (5);

(b) a species management plan, such as a deer or elk management plan adopted under Section 23-16-7 or a recovery plan for a threatened or endangered species, provided that:

- (i) the plan identifies sites for the transplant of the species or the lands or waters the species are expected to occupy; and
 - (ii) the public has had an opportunity to comment and make recommendations on the plan; or
 - (c) a legal agreement between the state and a tribal government that identifies potential transplants; and
 - (d) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.
- (2) The division shall:
- (a) consult with the landowner in determining the suitability of a site for the transplant of a species;
 - (b) prepare a list of proposed sites for the transplant of species;
 - (c) provide notification of proposed sites for the transplant of species to:
 - (i) local government officials having jurisdiction over areas that may be affected by a transplant; and
 - (ii) the Resource Development Coordinating Committee created in Section 63J-4-501.
- (3) After receiving comments from local government officials and the Resource Development Coordinating Committee, the division shall submit the list of proposed transplant sites, or a revised list, to regional advisory councils for regions that may be affected by the transplants of species.
- (4) Each regional advisory council reviewing a list of proposed sites for the transplant of species may submit recommendations to the Wildlife Board.
- (5) The Wildlife Board shall approve, modify, or reject each proposal for the transplant of a species.
- (6) Each list of proposed transplant sites approved by the Wildlife Board shall have a termination date after which a transplant may not occur.

Amended by Chapter 382, 2008 General Session

23-15-2. Jurisdiction of division over public or private land and waters.

All wildlife within this state, including wildlife on public or private land or in public or private waters within this state, shall fall within the jurisdiction of the Division of Wildlife Resources.

Amended by Chapter 297, 2011 General Session

23-15-3. Diversion of water prohibited -- Exception for flood control.

Except in anticipation of and to provide for the carrying away and the safe disposal of natural storm and flood waters, no person may, without existing rights, divert so much water from any natural stream, lake, pond or natural lake or pond, the natural storage content of which has been increased by the construction of a dam, that the diversion unduly endangers protected aquatic wildlife.

Amended by Chapter 347, 1983 General Session

23-15-4. Screens or other devices required -- Failure to install after notice

a misdemeanor.

It is unlawful for any person, company or corporation to take any water from the state streams, lakes or reservoirs for power purposes, or for waterworks, without first furnishing and maintaining suitable screens or other devices to prevent fish from entering such power plants, millraces or waterworks system; said screen or other devices to be built and maintained under the direction of the board and at the expense of said owner or operators. The failure of any person, firm or corporation to install a screen or device within 30 days after notice in writing so to do has been given by the board shall constitute a misdemeanor.

Enacted by Chapter 46, 1971 General Session

23-15-5. Notice of intention to drain or divert waterway.

Any person, company or corporation owning or controlling any irrigation canal, ditch, reservoir, millrace, or other waterway leading from or into any state waterway containing protected aquatic wildlife who shall desire to drain any such waterway, or who shall intend to divert sufficient water from any state waterway endangering the protected aquatic wildlife therein, shall give five days' written notice to the Division of Wildlife Resources prior to the diversion except that under emergency conditions reasonable notice shall be given.

Enacted by Chapter 46, 1971 General Session

23-15-6. Pollution of waters unlawful.

It is unlawful for any person to pollute any waters deemed necessary by the Wildlife Board for wildlife purposes or any waters containing protected aquatic wildlife and stoneflies (Plecoptera), mayflies (Ephemoptera), dragonflies and damsel flies (Odonata), water bugs (Hemiptera), caddis flies (Trichoptera), spongilla flies (Neuroptera), and crustaceans. Provided further that each day of pollution shall constitute a separate offense.

Enacted by Chapter 46, 1971 General Session

23-15-7. Taking protected aquatic wildlife or eggs unlawful except as authorized.

It is unlawful for any person to take any protected aquatic wildlife or eggs of same in any of the waters of this state, except as provided by this code or the rules and regulations of the Wildlife Board.

Enacted by Chapter 46, 1971 General Session

23-15-8. Seining or selling aquatic wildlife unlawful except as authorized.

It is unlawful for any person to seine for any kind of protected aquatic wildlife in any of the waters of this state or to sell protected aquatic wildlife except as prescribed by this title or rules of the Wildlife Board.

Amended by Chapter 153, 1994 General Session

23-15-9. Possession or transportation of live aquatic wildlife unlawful except as authorized -- Exceptions.

It is unlawful for any person to possess or transport live protected aquatic wildlife except as provided by this code or the rules and regulations of the Wildlife Board. This section does not apply to tropical and goldfish species intended for exhibition or commercial purposes. Operators of a properly registered private fish pond may transport live aquatic wildlife specified by the Wildlife Board in the operator's certificate of registration.

Amended by Chapter 297, 2011 General Session

23-15-10. Private fish pond.

(1) A private fish pond is not required to obtain a certificate of registration from the division to receive an aquatic animal from an aquaculture facility.

(2) A private fish pond may not be developed on:

- (a) a natural lake;
- (b) a natural flowing stream; or
- (c) a reservoir constructed on a natural stream channel.

(3) A person who owns or operates a private fish pond may receive an aquatic animal from an aquaculture facility if:

(a) the aquaculture facility has a health approval number required by Section 4-37-501;

(b) the species, strain, and reproductive capability of the aquatic animal is authorized by the Wildlife Board in accordance with Subsection (4) for stocking in the area where the private fish pond is located;

(c) the private fish pond is screened in accordance with the Wildlife Board's rule to prevent an aquatic animal from moving into or out of the private fish pond;

(d) the aquatic animal is not:

- (i) released from the private fish pond; or
- (ii) transported live to another location; and

(e) the person provides the aquaculture facility with a signed statement that the private fish pond is in compliance with this section.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules that:

(a) specify the screen requirements to prevent the movement of an aquatic animal into or out of the private fish pond;

(b) specify the aquatic animal species that may not be stocked in a private fish pond located in the state; and

(c) establish a location or region where a specified species, strain, and reproductive capability of aquatic animal may be stocked in a private fish pond.

(5) The division may inspect a private fish pond to verify compliance with this section.

Amended by Chapter 69, 2008 General Session

23-15-13. Operation of aquaculture and fee fishing facilities.

A person may engage in the following activities as provided by Title 4, Chapter 37, Aquaculture Act, and rules adopted under that chapter by the Department of Agriculture and Food and Wildlife Board:

- (1) acquisition, importation, or possession of aquatic animals intended for use in an aquaculture or fee fishing facility;
- (2) transportation of aquatic animals to or from an aquaculture facility or to a fee fishing facility;
- (3) stocking or propagation of aquatic animals in an aquaculture or fee fishing facility; and
- (4) harvest, transfer, or sale of aquatic animals from an aquaculture or fee fishing facility.

Amended by Chapter 82, 1997 General Session

23-15-14. State Fish Hatchery Maintenance Account -- Contents -- Use of account money.

- (1) There is created a restricted account within the General Fund known as the State Fish Hatchery Maintenance Account.
- (2) The following money shall be deposited into the account:
 - (a) \$2.00 of each fishing license fee or combination license fee; and
 - (b) interest and earnings on account money.
- (3) Money in the account shall be used by the division, after appropriation by the Legislature, for major repairs or replacement of facilities and equipment at fish hatcheries owned and operated by the division for the production and distribution of fish to enhance sport fishing opportunities in the state.

Amended by Chapter 22, 2001 General Session

23-16-1.1. Definitions.

As used in this chapter:

- (1) "Cultivated crops" means:
 - (a) crops from or on cleared and planted land; and
 - (b) crop residues that have forage value for livestock.
- (2) "Depredation mitigation plan" means the plan described in Subsection 23-16-3(2).
- (3) "Mitigation review panel" means the panel created under Section 23-16-3.2.

Enacted by Chapter 228, 2003 General Session

23-16-2. Removal of big game animals doing damage.

The director of the division of Wildlife Resources may authorize the removal of big game animals when they are doing actual damage. Animals so removed shall be sold or otherwise disposed of by the Division of Wildlife Resources, and any money derived from the sale of these animals shall be placed in the Wildlife Resources Account.

Enacted by Chapter 46, 1971 General Session

23-16-3. Damage to cultivated crops, livestock forage, fences, or irrigation equipment by big game animals -- Notice to division.

(1) (a) If big game animals are damaging cultivated crops, livestock forage, fences, or irrigation equipment on private land, the landowner or lessee shall immediately, upon discovery of the damage, request that the division take action to alleviate the depredation problem.

(b) The landowner or lessee shall allow division personnel reasonable access to the property sustaining damage to verify and alleviate the depredation problem.

(2) (a) Within 72 hours after receiving the request for action under Subsection (1)(a), the division shall investigate the situation, and if it appears that depredation by big game animals may continue, the division shall:

(i) remove the big game animals causing depredation; or
(ii) implement a depredation mitigation plan which has been approved, in writing, by the landowner or lessee.

(b) A depredation mitigation plan may provide for any or all of the following:

(i) the scheduling of a depredation hunt;
(ii) issuing permits to the landowners or lessees, to take big game animals causing depredation during a general or special season hunt authorized by the Wildlife Board;

(iii) allowing landowners or lessees to designate recipients who may obtain a mitigation permit to take big game animals on the landowner's or lessee's land during a general or special season hunt authorized by the Wildlife Board; or

(iv) a description of how the division will assess and compensate the landowner or lessee under Section 23-16-4 for damage to cultivated crops, fences, or irrigation equipment.

(c) (i) The division shall specify the number and sex of the big game animals that may be taken pursuant to Subsections (2)(b)(ii) and (iii).

(ii) Control efforts shall be directed toward antlerless animals, if possible.

(d) A permit issued for an antlered animal shall be approved by the division director or the director's designee.

(e) The division and the landowner or lessee shall jointly determine the number of animals taken pursuant to Subsection (2)(b)(ii) of which the landowner or lessee may retain possession.

(f) In determining appropriate remedial action under this Subsection (2), the division shall consider:

(i) the extent of damage experienced or expected; and

(ii) any revenue the landowner derives from:

(A) participation in a cooperative wildlife management unit;

(B) use of landowner association permits;

(C) use of mitigation permits; and

(D) charging for hunter access.

(3) Any fee for accessing the owner's or lessee's land shall be determined by the landowner or lessee.

(4) (a) If the landowner or lessee who approved the depredation mitigation plan under Subsection (2)(a)(ii) subsequently determines that the plan is not acceptable, the landowner or lessee may revoke his or her approval of the plan and again request that the division take action pursuant to Subsection (2)(a)(i).

(b) A subsequent request for action provided under Subsection (4)(a) shall be considered to be a new request for purposes of the 72-hour time limit specified in Subsection (2)(a).

(5) (a) The division may enter into a conservation lease with the owner or lessee of private lands for a fee or other remuneration as compensation for depredation.

(b) Any conservation lease entered into under this section shall provide that the claimant may not unreasonably restrict hunting on the land or passage through the land to access public lands for the purpose of hunting, if those actions are necessary to control or mitigate damage by big game.

Amended by Chapter 297, 2011 General Session

23-16-3.1. Crop owner authorized to kill animals.

(1) (a) A landowner or lessee may kill big game animals damaging those cultivated crops on private land if:

(i) it is necessary to protect cultivated crops;

(ii) 72 hours has expired since notice was given pursuant to Subsection 23-16-3(1)(a);

(iii) the landowner or lessee has provided or sent written notice of an intent to kill the big game animal to the nearest regional office;

(iv) the landowner or lessee kills the big game animal within 90 days, or a longer period, if approved, in writing, by the division, after having requested that the division take action to prevent depredation under Subsection 23-16-3(1)(a); and

(v) the killing is not prohibited by Subsection (2)(a) or (3).

(b) Immediately after killing a big game animal under Subsection (1)(a), the landowner or lessee shall notify the division of the killing.

(c) The carcass of an animal killed under Subsection (1)(a) shall become the property of the division and shall be disposed of by the division.

(d) Any money derived from the sale of animals killed shall be placed in the Wildlife Resources Account created in Section 23-14-13.

(2) (a) The division director may prohibit the killing of big game animals under Subsection (1)(a) if, within 72 hours after a landowner or lessee has requested that the division take action to remove depredating animals, the division:

(i) determines that the restitution value of the big game animal or animals, as established under Section 23-20-4.5, is more than twice the estimated value of the cultivated crops that have been or will be damaged or consumed;

(ii) determines that the prohibition is consistent with the management plan established under Section 23-16-7;

(iii) notifies the landowner or lessee of the prohibition; and

(iv) offers the landowner or lessee a depredation mitigation plan.

(b) A landowner or lessee who is offered a depredation mitigation plan may:

(i) accept the plan in writing; or

(ii) refuse to accept the plan and appeal the plan, in writing, to the division director.

(3) After a landowner or lessee has killed a big game animal under Subsection (1)(a), the division director may prohibit any further killing of big game animals if:

(a) the division takes the actions described in Subsections (2)(a)(i) through (iv); and

(b) the mitigation review panel reviews and approves the depredation mitigation plan.

Enacted by Chapter 228, 2003 General Session

23-16-3.2. Mitigation review panel.

(1) A mitigation review panel may be convened to review the depredation mitigation plans.

(2) Membership of the mitigation review panel shall consist of:

(a) the division director or the director's designee;

(b) (i) the commissioner of the Department of Agriculture and Food or the commissioner's designee; or

(ii) a representative of agricultural interests appointed by the commissioner of the Department of Agriculture and Food; and

(c) a representative of Utah State University Extension Service appointed by the Vice President and Dean for University Extension.

(3) (a) The division director shall convene a mitigation review panel if:

(i) a landowner or lessee appeals a depredation mitigation plan under Subsection 23-16-3.1(2)(b)(ii); or

(ii) the division director requests review of a depredation mitigation plan.

(b) Within five business days of an appeal under Subsection 23-16-3.1(2)(b)(ii) or a division request for review under Subsection 23-16-3.1(3)(b), the mitigation review panel shall review the depredation mitigation plan and approve or modify the plan.

(4) Judicial review of a mitigation review panel action shall be governed by Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

23-16-4. Compensation for damage to crops, fences, or irrigation equipment -- Limitations -- Appeals.

(1) The division may provide compensation to claimants for damage caused by big game to:

(a) cultivated crops from or on cleared and planted land;

(b) fences on private land; or

(c) irrigation equipment on private land.

(2) To be eligible to receive compensation as provided in this section, the claimant shall:

(a) notify the division of the damage within 72 hours after the damage is discovered; and

(b) allow division personnel reasonable access to the property to verify and

alleviate the depredation problem.

(3) (a) The appraisal of the damage shall be made by the claimant and the division as soon after notification as possible.

(b) In determining damage payment, the division and claimant shall consider:

(i) the extent of damage experienced; and

(ii) any revenue the landowner derives from:

(A) participation in a cooperative wildlife management unit;

(B) use of landowner association permits;

(C) use of mitigation permits; and

(D) charging for hunter access.

(c) In determining how to assess and compensate for damages to cultivated crops, the division's determination shall be based on the:

(i) full replacement value in the local market of the cultivated crops that actually have been or will be damaged or consumed by big game animals; and

(ii) cost of delivery of a replacement crop to the location of the damaged crop or other location that is not farther from the source of the replacement crop.

(d) If the claimant and the division are unable to agree on a fair and equitable damage payment, they shall designate a third party, consisting of one or more persons familiar with the crops, fences, or irrigation equipment and the type of game animals doing the damage, to appraise the damage.

(4) (a) Notwithstanding Section 63J-1-504, the total amount of compensation that may be provided by the division pursuant to this section and the total cost of fencing materials provided by the division to prevent crop damage may not exceed the legislative appropriation for fencing material and compensation for damaged crops, fences, and irrigation equipment.

(b) (i) Any claim of \$1,000 or less may be paid after appraisal of the damage as provided in Subsection (3), unless the claim brings the total amount of claims submitted by the claimant in the fiscal year to an amount in excess of \$1,000.

(ii) Any claim for damage to irrigation equipment may be paid after appraisal of the damage as provided in Subsection (3).

(c) (i) Any claim in excess of \$1,000, or claim that brings the total amount of claims submitted by the claimant in the fiscal year to an amount in excess of \$1,000, shall be treated as follows:

(A) \$1,000 may be paid pursuant to the conditions of this section; and

(B) the amount in excess of \$1,000 may not be paid until the total amount of the approved claims of all the claimants and expenses for fencing materials for the fiscal year are determined.

(ii) If the total exceeds the amount appropriated by the Legislature pursuant to Subsection (4)(a), claims in excess of \$1,000, or any claim that brings the total amount of a claimant's claims in a fiscal year to an amount in excess of \$1,000, shall be prorated.

(5) The division may deny or limit compensation if the claimant:

(a) has failed to exercise reasonable care and diligence to avoid the loss or minimize the damage; or

(b) has unreasonably restricted hunting on land under the claimant's control or passage through the land to access public lands for the purpose of hunting, after

receiving written notification from the division of the necessity of allowing such hunting or access to control or mitigate damage by big game.

(6) (a) The Wildlife Board shall make rules specifying procedures for the appeal of division actions under this section.

(b) Upon the petition of an aggrieved party to a final division action, the Wildlife Board may review the action on the record and issue an order modifying or rescinding the division action.

(c) A qualified hearing examiner may be appointed for purposes of taking evidence and making recommendations for a board order. The board shall consider the recommendations of the examiner in making decisions.

(d) Board review of final agency action and judicial review of final board action shall be governed by Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 297, 2011 General Session

23-16-5. Limit of one of any species of big game during license year.

A person may take only one of any species of big game during a license year, regardless of how many licenses or permits he purchases, except as otherwise provided by this code or proclamations of the Wildlife Board.

Amended by Chapter 211, 1995 General Session

23-16-6. Commencement date of general rifle deer season.

The general rifle deer season may not commence each year before October 1.

Amended by Chapter 239, 2008 General Session

23-16-7. Deer and elk management plans -- Division to confer with others -- Target herd size objectives -- Completion date -- Reports.

(1) The Division of Wildlife Resources shall:

- (a) prepare a management plan for each deer and elk herd unit in the state; and
- (b) submit the plans to the Wildlife Board for their approval.

(2) Upon approval of a plan by the Wildlife Board, the herd unit shall be managed in accordance with the plan.

(3) In preparing the plans, the division shall confer with federal and state land managers, private landowners, sportsmen, and ranchers.

(4) (a) Each management plan shall establish target herd size objectives.

(b) In establishing target herd size objectives, the division and board shall among other factors:

(i) consider available information on each unit's range carrying capacity and ownership; and

(ii) seek to balance relevant multiple uses for the range.

(5) Until a management plan for a herd unit is prepared in accordance with this section and approved by the board, the herd unit shall be managed to maintain the herd size as range conditions and available data dictate.

(6) (a) Management plans shall be prepared by the division and approved by the

board by the following dates:

- (i) May 1, 1994 for elk; and
- (ii) May 1, 1996 for deer.
- (b) The division shall make:
 - (i) an annual progress report on the management plans to the Energy, Natural Resources and Agriculture Interim Committee until the plans are completed; and
 - (ii) a final report to the committee:
 - (A) at the committee's May 1994 meeting for elk; and
 - (B) at the committee's May 1996 meeting for deer.
- (7) The management plans may be revised as the division or board determines necessary. Any revised plan shall be prepared in accordance with Subsections (3) and (4).

Amended by Chapter 211, 1995 General Session

23-17-4. Crop damage by pheasants -- Notice to division.

Whenever pheasants are damaging cultivated crops on cleared and planted land, the owner of such crops shall immediately upon discovery of such damage notify the Division of Wildlife Resources. This notice shall be made both orally and in writing. Upon being notified of such damage, the Division of Wildlife Resources shall, as far as possible, control such damage.

Amended by Chapter 297, 2011 General Session

23-17-5. Damages for destroyed crops -- Limitations -- Appraisal.

Whenever pheasants have damaged or destroyed cultivated crops on cleared and planted land, the Division of Wildlife Resources may pay to the crop owner for the actual damage not to exceed \$200 yearly, if the owner notifies the Division of Wildlife Resources of the damage within 48 hours after the damage is discovered. The appraisal of the damage shall be made by the crop owner and the Division of Wildlife Resources as soon after notification as possible. If the crop owner and the Division of Wildlife Resources are unable to agree on the fair and equitable damage, they shall call upon a third party, consisting of one or more persons acquainted with the crops concerned and pheasants, to appraise such damage; but if these provisions relating to damage claims are in conflict with the requirements of the federal Pittman-Robertson Act or the rules and regulations issued under it, then the provisions relating to damage claims shall be null and void.

Enacted by Chapter 46, 1971 General Session

23-17-5.1. Damage by turkeys.

- (1) As used in this section, "turkey" means a wild, free-ranging turkey and does not include a privately owned or domestic turkey.
- (2) (a) If a turkey materially damages private property, the landowner or lessee of the property may:
 - (i) notify the division of the damage; and

- (ii) request that the division take action to mitigate the damage.
- (b) The landowner or lessee of the damaged property shall allow division staff reasonable access to the damaged property to verify and mitigate the damage.
- (3) (a) Within 72 hours after receiving a request for action under Subsection (2)(a)(ii), the division shall investigate the damaged property and, if it appears that material damage by a turkey may continue, the division shall begin to:
 - (i) remove or drive off the turkeys causing the damage; or
 - (ii) implement a damage mitigation and prevention plan with the written approval of the landowner or lessee of the property.
- (b) As part of a damage mitigation and prevention plan described in Subsection (3)(a)(ii), the division may:
 - (i) schedule a depredation hunt;
 - (ii) issue a permit to the landowner or lessee to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;
 - (iii) allow the landowner or lessee to designate recipients who may obtain a mitigation permit to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;
 - (iv) use, or allow the landowner or lessee to use, a nonlethal method to drive off a turkey that causes damage to the property;
 - (v) capture and relocate, or allow the landowner or lessee to capture and relocate, a turkey that causes damage to the property; or
 - (vi) use, or authorize the landowner or lessee to use, a weapon or method otherwise prohibited to take a turkey under this title, if traditional weapons and methods are unsuitable for the location of the property due to local law or public safety concerns.
- (c) If the division takes an action described in Subsection (3)(b)(ii) or (iii), the division shall specify the number and sex of turkeys the landowner or lessee is authorized to take in accordance with Subsection (3)(b)(ii) or (iii).
- (d) If a landowner or lessee takes a turkey under Subsection (3)(b)(ii), the division and the landowner or lessee shall jointly determine the number of turkeys the landowner or lessee may retain.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules necessary to administer the provisions of this section.

Enacted by Chapter 375, 2013 General Session

23-17-5.2. General season turkey hunts.

The Wildlife Board may establish two general season turkey hunts per year.

Enacted by Chapter 375, 2013 General Session

23-17-6. Commercial hunting area -- Registration -- Requirements for hunters.

(1) (a) Any person desiring to operate a commercial hunting area within this state to permit the releasing and shooting of pen-raised birds may apply to the Wildlife Board for authorization to do so.

(b) The Wildlife Board may issue the applicant a certificate of registration to operate a commercial hunting area in accordance with rules prescribed by the board.

(c) The Wildlife Board may determine the number of commercial hunting areas that may be established in each county of the state.

(2) Any certificate of registration issued under Subsection (1) shall specify the species of birds that the applicant may propagate, keep, and release for shooting on the area covered by the certificate of registration. The applicant may charge a fee for harvesting these birds.

(3) (a) Any person hunting within the state on any commercial hunting area shall:

(i) be at least 12 years old;

(ii) possess proof of passing a division-approved hunter education course, if the person was born after December 31, 1965; and

(iii) have the permission of the owner or operator of the commercial hunting area.

(b) The operator of a commercial hunting area shall verify that each hunter on the commercial hunting area meets the requirements of Subsections (3)(a)(i) and (3)(a)(ii).

(4) Hunting on commercial hunting areas shall be permitted only during the commercial hunting area season prescribed by the Wildlife Board.

Amended by Chapter 297, 2011 General Session

23-17-7. Falconry authorized.

The Wildlife Board may authorize the practice of falconry within the state of Utah and the capturing and keeping in possession of birds to be used in the practice of falconry under rules and regulations specified by it.

Enacted by Chapter 46, 1971 General Session

23-17-8. Dog field meets.

It is lawful within the state to hold dog field meets or trials where dogs are permitted to work in exhibition or contest where the skill of dogs is demonstrated by locating or retrieving birds which have been obtained from a legal source. Before any meet or trial is held, application shall be made in writing to the Division of Wildlife Resources, which may authorize the meet or trial under rules and regulations promulgated by the Wildlife Board.

Amended by Chapter 297, 2011 General Session

23-17-9. Training of dogs -- Use of protected or privately owned wildlife.

The Wildlife Board may authorize the use of protected wildlife or privately owned wildlife for the training of dogs within the state of Utah under rules and regulations it may promulgate.

Enacted by Chapter 46, 1971 General Session

23-18-2. Taking of furbearers.

Any person holding a furbearer license may take furbearers in accordance with the rules promulgated by the Wildlife Board.

Amended by Chapter 76, 1986 General Session

23-18-3. Trapping on lands controlled by division governed by Wildlife Board.

All trapping on lands controlled by the Division of Wildlife Resources shall be governed by the Wildlife Board.

Enacted by Chapter 46, 1971 General Session

23-18-4. Beaver damage -- Authorization to kill or trap.

Whenever it is apparent that beaver are doing damage to, or are a menace to, private property, any landowner or tenant may request authorization to kill or trap the beaver so involved; and the Wildlife Board is empowered to grant such authorization under conditions prescribed by it.

Enacted by Chapter 46, 1971 General Session

23-18-5. Fur dealer and fur dealer's agent -- Definitions -- Certificates of registration required -- Receipts required.

(1) Any person engaging in, carrying on, or conducting, wholly or in part, the business of buying, selling, trading, or dealing, within the state, in the skins or pelts of furbearing mammals shall be deemed a fur dealer within the meaning of this code. All fur dealers shall secure a fur dealer certificate of registration from the Division of Wildlife Resources, but no certificate of registration shall be required for a licensed trapper or fur farmer selling skins or pelts which the licensed trapper or fur farmer has lawfully taken, or raised, nor for any person not a fur dealer who purchases any such skins or pelts exclusively for the person's own use and not for sale.

(2) Any person who is employed by a resident or nonresident fur dealer as a fur buyer, in the field, is deemed a fur dealer's agent. Application for a fur dealer's agent certificate of registration shall be made by the fur dealer employing the agent, and no agent certificate of registration shall be issued until the necessary fur dealer certificate of registration has been first secured by the employer of the agent.

(3) Receipts shall be issued by the vendor to the vendee whenever the skins or pelts of furbearing mammals change ownership by virtue of sale, exchange, barter or gift; and both the vendor and vendee shall produce this receipt or evidence of legal transaction upon request by the Division of Wildlife Resources or other person authorized to enforce the provisions of this code.

Amended by Chapter 297, 2011 General Session

23-18-6. Taking red fox or striped skunk.

Red fox or striped skunk may be taken anytime without a license as provided by

this title or rules or a proclamation of the Wildlife Board.

Enacted by Chapter 264, 1993 General Session

23-19-1. Possession of licenses, certificates of registration, permits, and tags required -- Nonassignability -- Exceptions -- Free fishing day.

(1) Except as provided in Subsection (5), a person may not take, hunt, fish, or seine protected wildlife or sell, trade, or barter protected wildlife or wildlife parts unless the person:

(a) procures the necessary licenses, certificates of registration, permits, or tags required under this title, by rule made by the Wildlife Board under this title, or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title; and

(b) carries in the person's possession while engaging in the activities described in Subsection (1) the license, certificate of registration, permit, or tag required under this title, by rule made by the Wildlife Board under this title, or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title.

(2) Except as provided in Subsection (3) a person may not:

(a) lend, transfer, sell, give, or assign:

(i) a license, certificate of registration, permit, or tag belonging to the person; or

(ii) a right granted by a license, certificate of registration, permit, or tag; or

(b) use or attempt to use a license, certificate of registration, permit, or tag of another person.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may, by rule, make exceptions to the prohibitions described in Subsection (2) to:

(a) transport wildlife;

(b) allow a person to take protected wildlife for another person if:

(i) the person possessing the license, certificate of registration, permit, or tag has a permanent physical impairment due to a congenital or acquired injury or disease; and

(ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a disability that renders the person physically unable to use a legal hunting weapon or fishing device;

(c) allow a resident minor under 18 years of age to use the resident or nonresident hunting permit of another person if:

(i) the resident minor is:

(A) the permit holder's child, stepchild, grandchild, or legal ward, if the permit holder's guardianship of the legal ward is based solely on the minor's age; or

(B) suffering from a life threatening medical condition; and

(ii) the permit holder:

(A) receives no form of compensation or remuneration for allowing the minor to use the permit;

(B) obtains the division's prior written approval to allow the minor to use the permit; and

(C) accompanies the minor, for the purposes of advising and assisting during

the hunt, at a distance where the permit holder can communicate with the minor, in person, by voice or visual signals; or

(d) subject to the requirements of Subsection (4), transfer to another person a certificate of registration to harvest brine shrimp and brine shrimp eggs, if the certificate is transferred in connection with the sale or transfer of the brine shrimp harvest operation or harvesting equipment.

(4) A person may transfer a certificate of registration to harvest brine shrimp and brine shrimp eggs if:

(a) the person submits to the division an application to transfer the certificate on a form provided by the division;

(b) the proposed transferee meets all requirements necessary to obtain an original certificate of registration; and

(c) the division approves the transfer of the certificate.

(5) A person is not required to obtain a license, certificate of registration, permit, or tag to:

(a) fish on a free fishing day that the Wildlife Board may establish each year by rule made by the Wildlife Board under this title or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title;

(b) fish at a private fish pond operated in accordance with Section 23-15-10; or

(c) hunt birds on a commercial hunting area that the owner or operator is authorized to propagate, keep, and release for shooting in accordance with a certificate of registration issued under Section 23-17-6.

Amended by Chapter 418, 2013 General Session

23-19-2. License and certificate forms prescribed by Wildlife Board.

(1) The Wildlife Board shall prescribe the form of license or certificate of registration to be used for hunting, fishing, trapping, seining, and dealing in furs.

(2) Any license issued pursuant to Section 23-19-36 shall be designated as such by a code number and shall contain no reference to the licensee's disability.

Amended by Chapter 128, 1999 General Session

23-19-3. Special tags as supplements to licenses and permits.

The division may issue, as supplements to appropriate licenses and permits, special tags for protected wildlife, as determined by the Wildlife Board.

Amended by Chapter 211, 1995 General Session

23-19-4. Alien's and nonresident peace officer's right to licenses and certificates.

(1) An alien resident of the State of Utah may purchase hunting, fishing, trapping, seining, and fur dealer licenses and certificates of registration upon the same terms as a resident citizen.

(2) All nonresident aliens may purchase hunting, fishing, trapping, seining, and fur dealer licenses and certificates of registration upon the same terms as nonresident

citizens.

(3) Notwithstanding Subsection 23-19-5(1)(b), a nonresident may purchase a hunting, fishing, trapping, seining, and fur dealer license and certificate of registration upon the same terms as a resident citizen if the person is:

(a) employed by the state as a peace officer, as classified by Title 53, Chapter 13, Peace Officer Classifications; and

(b) required to live outside the state as a condition of the person's employment.

Amended by Chapter 136, 2007 General Session

23-19-5. Fraud, deceit, or misrepresentation in obtaining a license, permit, tag, or certificate of registration.

(1) It is unlawful for:

(a) any person to obtain or attempt to obtain a license, permit, tag, or certificate of registration by fraud, deceit, or misrepresentation;

(b) a nonresident to purchase a resident license; and

(c) a resident to purchase a nonresident license.

(2) Any license, permit, tag, or certificate of registration obtained in violation of Subsection (1) is invalid.

(3) Any person violating Subsection (1) is guilty of a class B misdemeanor.

(4) A fraudulent claim of residency in another state or country does not exempt a person from the definition of resident in Section 23-13-2.

Amended by Chapter 136, 2007 General Session

23-19-6. Imitating or counterfeiting license unlawful -- Violation -- Penalty.

It is unlawful to imitate or counterfeit any license, permit, tag, or certificate of registration for the purpose of defrauding the state of Utah or for evading the purposes and provisions of this code. Any person who violates any provision of this section is guilty of a class A misdemeanor.

Amended by Chapter 90, 1979 General Session

23-19-7. Expiration date of licenses.

The licenses issued under this chapter, except lifetime licenses, will expire 365 days from the date of issue.

Amended by Chapter 346, 2004 General Session

23-19-8. Signature on documents -- Considered under oath -- Prohibition on use of unsigned documents.

(1) A person's signature on a license, permit, tag, or certificate of registration is certification of that person's eligibility to use the license, permit, tag, or certificate of registration for the purpose intended by this title.

(2) The signature need not be notarized but shall be considered to be made under oath.

(3) A person may not use an unsigned license, permit, tag, or certificate of registration.

Amended by Chapter 195, 2000 General Session

23-19-9. Suspension of license or permit privileges -- Suspension of certificates of registration.

(1) As used in this section, "license or permit privileges" means the privilege of applying for, purchasing, and exercising the benefits conferred by a license or permit issued by the division.

(2) A hearing officer, appointed by the division, may suspend a person's license or permit privileges if:

(a) in a court of law, the person:

(i) is convicted of:

(A) violating this title or a rule of the Wildlife Board;

(B) killing or injuring domestic livestock while engaged in an activity regulated under this title; or

(C) violating Section 76-10-508 while engaged in an activity regulated under this title;

(ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no contest to an offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or

(iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person enters into a diversion agreement which suspends the prosecution of the offense; and

(b) the hearing officer determines the person committed the offense intentionally, knowingly, or recklessly, as defined in Section 76-2-103.

(3) (a) The Wildlife Board shall make rules establishing guidelines that a hearing officer shall consider in determining:

(i) the type of license or permit privileges to suspend; and

(ii) the duration of the suspension.

(b) The Wildlife Board shall ensure that the guidelines established under Subsection (3)(a) are consistent with Subsections (4), (5), and (6).

(4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a person's license or permit privileges according to Subsection (2) for a period of time not to exceed:

(a) seven years for:

(i) a felony conviction;

(ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is held in abeyance pursuant to a plea in abeyance agreement; or

(iii) being charged with an offense punishable as a felony, the prosecution of which is suspended pursuant to a diversion agreement;

(b) five years for:

(i) a class A misdemeanor conviction;

(ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor, which plea is held in abeyance pursuant to a plea in abeyance

agreement; or

(iii) being charged with an offense punishable as a class A misdemeanor, the prosecution of which is suspended pursuant to a diversion agreement;

(c) three years for:

(i) a class B misdemeanor conviction;

(ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor when the plea is held in abeyance according to a plea in abeyance agreement; or

(iii) being charged with an offense punishable as a class B misdemeanor, the prosecution of which is suspended pursuant to a diversion agreement; and

(d) one year for:

(i) a class C misdemeanor conviction;

(ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor, when the plea is held in abeyance according to a plea in abeyance agreement; or

(iii) being charged with an offense punishable as a class C misdemeanor, the prosecution of which is suspended according to a diversion agreement.

(5) The hearing officer may double a suspension period established in Subsection (4) for offenses:

(a) committed in violation of an existing suspension or revocation order issued by the courts, division, or Wildlife Board; or

(b) involving the unlawful taking of a trophy animal, as defined in Section 23-13-2.

(6) (a) A hearing officer may suspend, according to Subsection (2), a person's license or permit privileges for a particular license or permit only once for each single criminal episode, as defined in Section 76-1-401.

(b) If a hearing officer addresses two or more single criminal episodes in a hearing, the suspension periods of any license or permit privileges of the same type suspended, according to Subsection (2), may run consecutively.

(c) If a hearing officer suspends, according to Subsection (2), license or permit privileges of the type that have been previously suspended by a court, a hearing officer, or the Wildlife Board and the suspension period has not expired, the suspension periods may run consecutively.

(7) (a) A hearing officer, appointed by the division, may suspend a person's privilege of applying for, purchasing, and exercising the benefits conferred by a certificate of registration if:

(i) the hearing officer determines the person intentionally, knowingly, or recklessly, as defined in Section 76-2-103, violated:

(A) this title;

(B) a rule or order of the Wildlife Board;

(C) the terms of a certificate of registration; or

(D) the terms of a certificate of registration application or agreement; or

(ii) the person, in a court of law:

(A) is convicted of an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration;

(B) pleads guilty or no contest to an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration, and the plea is held in abeyance in accordance with a plea in abeyance agreement; or

(C) is charged with an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration, and prosecution of the offense is suspended in accordance with a diversion agreement.

(b) All certificates of registration for the harvesting of brine shrimp eggs, as defined in Section 59-23-3, shall be suspended by a hearing officer, if the hearing officer determines the holder of the certificates of registration has violated Section 59-23-5.

(8) (a) The director shall appoint a qualified person as a hearing officer to perform the adjudicative functions provided in this section.

(b) The director may not appoint a division employee who investigates or enforces wildlife violations.

(9) (a) The courts may suspend, in criminal sentencing, a person's privilege to apply for, purchase, or exercise the benefits conferred by a license, permit, or certificate of registration.

(b) The courts shall promptly notify the division of any suspension orders or recommendations entered.

(c) The division, upon receiving notification of suspension from the courts, shall prohibit the person from applying for, purchasing, or exercising the benefits conferred by a license, permit, or certification of registration for the duration and of the type specified in the court order.

(d) The hearing officer shall consider any recommendation made by a sentencing court concerning suspension before issuing a suspension order.

(10) (a) A person may not apply for, purchase, possess, or attempt to exercise the benefits conferred by any permit, license, or certificate of registration specified in an order of suspension while that order is in effect.

(b) Any license possessed or obtained in violation of the order shall be considered invalid.

(c) A person who violates Subsection (10)(a) is guilty of a class B misdemeanor.

(11) Before suspension under this section, a person shall be:

(a) given written notice of any action the division intends to take; and

(b) provided with an opportunity for a hearing.

(12) (a) A person may file an appeal of a hearing officer's decision with the Wildlife Board.

(b) The Wildlife Board shall review the hearing officer's findings and conclusions and any written documentation submitted at the hearing.

(c) The Wildlife Board may:

(i) take no action;

(ii) vacate or remand the decision; or

(iii) amend the period or type of suspension.

(13) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry privileges consistent with Title 23, Chapter 25, Wildlife Violator Compact.

(14) The Wildlife Board may make rules to implement this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 297, 2011 General Session

23-19-9.1. Court-ordered action against a license.

The division shall promptly withhold, suspend, restrict, or reinstate the use of a license issued under this chapter if so ordered by a court.

Enacted by Chapter 232, 1997 General Session

23-19-9.5. Warrant outstanding or failure to comply with citation -- Person not entitled to license, permit, tag, or certificate.

(1) A person may not purchase a license, permit, tag, or certificate of registration if:

(a) there is an outstanding Utah warrant against him for failure to appear in answer to a summons for a violation of:

- (i) a provision of this title; or
- (ii) a rule, proclamation, or order of the Wildlife Board; or

(b) he has failed to comply with a wildlife citation in a state which is a party to the Wildlife Violator Compact set forth in Title 23, Chapter 25.

(2) The division may allow a person referred to in Subsection (1) to purchase a license, permit, tag, or certificate of registration if satisfactory proof is given that:

- (a) the warrant is no longer outstanding; or
- (b) he has complied with the wildlife citation.

Amended by Chapter 211, 1995 General Session

23-19-10. Duplicate license, permit, tag, or certificate of registration.

If an unexpired license, permit, tag, or certificate of registration issued under the provisions of this code is destroyed, lost, or stolen, the Division of Wildlife Resources and its authorized license agents may issue a duplicate license, permit, tag, or certificate of registration in accordance with the rules set and fees determined by the Wildlife Board.

Amended by Chapter 117, 2005 General Session

23-19-11. Age restriction -- Proof of hunter education required.

(1) A person born after December 31, 1965, may not purchase a hunting license or permit unless proof is presented to the division or one of its authorized wildlife license agents that the person has passed a division-approved hunter education course offered by a state, province, or country.

(2) For purposes of this section, "proof" means:

- (a) a certificate of completion of a hunter education course;
- (b) a preceding year's hunting license or permit issued by a state, province, or country with the applicant's hunter education number noted on the hunting license or

permit; or

(c) verification of completion of a hunter education course pursuant to Subsections (3) and (4).

(3) If an applicant for a nonresident hunting license or permit is not able to present a hunting license, permit, or a certificate of completion as provided in Subsections (1) and (2), the division may contact another state, province, or country to verify the completion of a hunter education course so that a nonresident hunting license or permit may be issued.

(4) If an applicant for a resident or nonresident hunting license or permit has completed a hunter education course in Utah but is not able to present a hunting license, permit, or a certificate of completion as provided in Subsections (1) and (2), the division may research the division's hunter education records to verify that the applicant has completed the hunter education course.

(5) (a) If an applicant for a resident or nonresident hunting license has completed a hunter education course and is applying for a hunting permit or license through the division's drawings, Internet site, or other electronic means authorized by the division, the applicant's hunter education number and the name of the state, province, or country that issued the number may constitute proof of completion of a hunter education course under this section.

(b) The division may research the hunter education number to verify that the applicant has completed a division-approved hunter education course.

(6) Upon issuance of the hunting license or permit, the division shall indicate the applicant's hunter education number on the face of the hunting license or permit.

(7) The division may charge a fee for any service provided in Subsection (3) or (4).

Amended by Chapter 75, 2001 General Session

23-19-11.1. Hunter education practical shooting test -- Exemptions.

(1) Except as provided in Subsection (2), the Wildlife Board may require that the division-approved hunter education course required by Subsection 23-19-11(1) include a practical shooting test.

(2) A member of the United States Armed Forces, including the Utah National Guard, is exempt from a practical shooting test that may be required under Subsection (1) if the member has passed firearms training in the United States Armed Forces or Utah National Guard.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules establishing firearms test verification requirements.

Enacted by Chapter 217, 2008 General Session

23-19-11.5. Age restriction -- Proof of furharvester education required.

(1) (a) A resident born after December 31, 1984, may not purchase a resident furbearer license unless the applicant presents:

(i) a certificate of completion of a division approved furharvester education

course; or

(ii) an immediately preceding year's furbearer license with the furharvester education number noted on the furbearer license.

(b) Upon issuance of the resident furbearer license, the division or authorized wildlife license agent shall indicate the applicant's furharvester education number on the face of the furbearer license.

(2) If an applicant for a resident furbearer license has completed a furharvester education course in Utah but is not able to present a furbearer license or a certificate of completion as provided in Subsection (1), the division may research the division's furharvester education records to verify that the applicant has completed a furharvester education course in Utah.

(3) (a) If an applicant for a resident furbearer license has completed a furharvester education course and is applying for a furbearer license through the division's Internet site or other electronic means authorized by the division, the applicant's Utah furharvester education number may constitute proof of completion of a furharvester education course under this section.

(b) The division may research the furharvester education number to verify that the applicant has completed a division approved furharvester education course.

(4) The division may charge a fee for the service specified in Subsection (2).

Amended by Chapter 86, 2000 General Session

23-19-12. Instruction in hunter education -- Issuance of certificate of competency.

The Division of Wildlife Resources shall provide a course of instruction in the safe handling of firearms, conservation, hunting ethics, and related subject matter for individuals interested in obtaining an instructor's certificate in hunter education. Certified instructors will, on a voluntary basis, give instruction in the course of hunter education, as established by the Division of Wildlife Resources, to all eligible persons who, upon the successful completion of the course, shall be issued a certificate of competency in hunter education.

Amended by Chapter 90, 1979 General Session

23-19-12.5. Instruction in furharvester education -- Issuance of certificate of completion.

(1) The division shall provide a course of instruction in safe and responsible trapping, including instruction in:

- (a) the use of trapping devices;
- (b) trapping laws;
- (c) trapping ethics;
- (d) techniques in safely releasing nontarget animals;
- (e) firearms safety;
- (f) wildlife management;
- (g) proper catch handling;
- (h) trapper health and safety; and

(i) ethics relating to the avoidance of conflicts with other public land users and private landowners.

(2) (a) Certified instructors will, on a voluntary basis, give instruction in the course of furharvester education, as established by the division.

(b) Upon the successful completion of the course, each participant in the furharvester education course shall be issued a certificate of completion in furharvester education.

Enacted by Chapter 120, 1995 General Session

23-19-12.7. Instruction in bow hunter education -- Issuance of certificate of completion.

(1) The division shall establish criteria for a bow hunter education course, which may be offered by any entity that meets the division's criteria.

(2) The bow hunter education course shall include instruction in:

- (a) the safe use of bow hunting equipment;
- (b) fundamentals of bow hunting;
- (c) shooting and hunting techniques; and
- (d) hunter ethics.

(3) The division shall issue a certificate of completion to a participant upon successful completion of a bow hunter education course which meets the requirements of this section and criteria established by the division.

Enacted by Chapter 166, 1998 General Session

23-19-13. Hunter and furharvester education training -- Fee.

The Wildlife Board shall establish the fees to be assessed for obtaining instruction in hunter education and furharvester education.

Amended by Chapter 120, 1995 General Session

23-19-14. Persons residing in certain institutions authorized to fish without license.

(1) The Division of Wildlife Resources shall permit a person to fish without a license if:

- (a) (i) the person resides in:
 - (A) the Utah State Developmental Center in American Fork;
 - (B) the state hospital;
 - (C) a veteran's hospital;
 - (D) a veteran's nursing home;
 - (E) a mental health center;
 - (F) an intermediate care facility for people with an intellectual disability;
 - (G) a group home licensed by the Department of Human Services and operated under contract with the Division of Services for People with Disabilities;
 - (H) a group home or other community-based placement licensed by the Department of Human Services and operated under contract with the Division of

Juvenile Justice Services;

(I) a private residential facility for at-risk youth licensed by the Department of Human Services; or

(J) another similar institution approved by the division; or

(ii) the person is a youth who participates in a work camp operated by the Division of Juvenile Justice Services;

(b) the person is properly supervised by a representative of the institution; and

(c) the institution obtains from the division a certificate of registration that specifies:

(i) the date and place where the person will fish; and

(ii) the name of the institution's representative who will supervise the person fishing.

(2) The institution shall apply for the certificate of registration at least 10 days before the fishing outing.

(3) (a) An institution that receives a certificate of registration authorizing at-risk youth to fish shall provide instruction to the youth on fishing laws and regulations.

(b) The division shall provide educational materials to the institution to assist it in complying with Subsection (3)(a).

Amended by Chapter 297, 2011 General Session

Amended by Chapter 366, 2011 General Session

23-19-14.5. Persons participating in youth organization or school activity authorized to fish without license.

(1) As used in this section:

(a) "School" means an elementary school or a secondary school that:

(i) is a public or private school located in the state; and

(ii) provides student instruction for one or more years of kindergarten through grade 9.

(b) "Youth organization" means a local Utah chapter of:

(i) the Boy Scouts of America;

(ii) the Girls Scouts of the USA; or

(iii) an organization that:

(A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and

(B) promotes character building through outdoor activities.

(2) The Division of Wildlife Resources shall permit a person to fish without a license during a youth organization or school activity if:

(a) the person is:

(i) (A) a member of the youth organization; or

(B) a student enrolled in the school; and

(ii) younger than 14 years old;

(b) the fishing is in compliance with all fishing statutes and rules;

(c) the activity is part of a recreational or instructional program of the youth organization or school; and

(d) an adult leader of the activity obtains from the youth organization or school:

- (i) a valid tour permit; or
 - (ii) documentation that specifies:
 - (A) the date and place of the fishing activity;
 - (B) the name of the adult leader that will supervise the fishing; and
 - (C) that the activity is officially sanctioned or authorized by the youth organization or school.
- (3) (a) The adult leader shall instruct the activity participants on fishing statutes and rules.
- (b) The division shall provide educational materials on its website to assist the adult leader in complying with Subsection (3)(a).
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board shall adopt rules specifying the form of the documentation required under Subsection (2)(d)(ii).

Amended by Chapter 270, 2013 General Session

23-19-15. License agents -- Authority -- Bond -- Compensation -- Violations.

- (1) The director of the division may designate wildlife license agents to sell licenses, permits, and tags.
- (2) Wildlife license agents may:
- (a) sell licenses, permits, and tags to all eligible applicants, except those licenses, permits, and tags specified in Subsection 23-19-16(2) which may be sold only by the division; and
 - (b) collect a fee for each license, permit, or tag sold.
- (3) A wildlife license agent shall receive:
- (a) for any wildlife license, permit, or tag having a fee \$10 or less and greater than \$1, 50 cents for each wildlife license, permit, or tag sold; and
 - (b) for any wildlife license, permit, or tag having a fee greater than \$10, 5% of the fee.
- (4) The division may require wildlife license agents to obtain a bond in a reasonable amount.
- (5) (a) As directed by the division, each wildlife license agent shall:
- (i) report all sales to the division; and
 - (ii) submit all of the fees obtained from the sale of licenses, permits, and tags less the remuneration provided in Subsection (3).
- (b) If a wildlife license agent fails to pay the amount due, the division may assess a penalty of 20% of the amount due. All delinquent payments shall bear interest at the rate of 1% per month. If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total amount due together with interest.
- (c) All fees, except the remuneration provided in Subsection (3), shall:
- (i) be kept separate from the private funds of the wildlife license agents; and
 - (ii) belong to the state.
- (6) A wildlife license agent may not intentionally:
- (a) fail to date or misdate a license, permit, or tag; or

(b) issue a license to any person until that person furnishes proof of having passed a division-approved hunter education course as provided in Section 23-19-11 or furnishes proof of having passed a division-approved fur harvester education course as provided in Section 23-19-11.5.

(7) (a) Except as provided in Subsections (7)(b) and (c), a violation of this section is a class B misdemeanor.

(b) A violation of this section is a class A misdemeanor if the aggregate amount required under Subsection (5)(a):

- (i) is at least \$1,000, but less than \$10,000;
- (ii) is not submitted for one or more months; and
- (iii) remains uncollectable.

(c) A violation of this section is a felony of the third degree if the aggregate amount required under Subsection (5)(a):

- (i) is \$10,000 or more;
- (ii) is not submitted for one or more months; and
- (iii) remains uncollectable.

(8) Violation of any provision of this section may be cause for revocation of the wildlife license agent authorization.

Amended by Chapter 68, 2005 General Session

23-19-16. Licenses obtained from agents of division.

(1) Licenses provided for in Sections 23-19-17 through 23-19-27 may be obtained from the division or one of its authorized wildlife license agents.

(2) Licenses provided for in Sections 23-19-17.5, 23-19-34.7, and 23-19-36 may be obtained only from the division.

Amended by Chapter 195, 2000 General Session

23-19-17. Resident fishing and hunting license -- Use of fee.

(1) A resident, after paying the fee established by the Wildlife Board, may obtain, as provided by the Wildlife Board's rules, a combination license to:

- (a) fish;
- (b) hunt for small game; and
- (c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

(2) Up to \$1 of the combination license fee may be used for the hunter education program for any of the following:

- (a) instructor and student training;
- (b) assisting local organizations with development;
- (c) maintenance of existing facilities; or
- (d) operation and maintenance of the hunter education program.

(3) (a) Up to 50 cents of the combination license fee may be used for the upland game program to:

- (i) acquire pen-raised birds; or
 - (ii) capture and transplant upland game species.
- (b) The combination license fee revenue designated for the upland game

program by Subsection (3)(a) is in addition to any combination license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Amended by Chapter 187, 2007 General Session

23-19-17.5. Lifetime hunting and fishing licenses.

(1) Lifetime licensees born after December 31, 1965, shall be certified under Section 23-19-11 before engaging in hunting.

(2) A lifetime license shall remain valid if the residency of the lifetime licensee changes to another state or country.

(3) (a) A lifetime license may be used in lieu of a hunting or fishing license.

(b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag of the lifetime licensee's choice for one of the following general season deer hunts:

(i) archery;

(ii) rifle; or

(iii) muzzleloader.

(c) A lifetime licensee is subject to each requirement for special hunting and fishing permits and tags, except as provided in Subsections (3)(a) and (b).

(4) The Wildlife Board may adopt rules necessary to carry out the provisions of this section.

Amended by Chapter 297, 2011 General Session

23-19-17.7. Wildlife Resources Trust Account created -- Lifetime license fees deposited -- Disposition of income -- Restriction on use of fund.

(1) There is created within the General Fund a restricted account to be known as the Wildlife Resources Trust Account. All fees received from the sale of lifetime licenses shall be deposited in that account.

(2) All interest earned by investments of the funds in the Wildlife Resources Trust Account shall, on July 1 of each year, be deposited in the Wildlife Resources Account created in Section 23-14-13.

(3) Money in the Wildlife Resources Trust Account is subject to the restriction in Section 23-22-2 that no money paid to the state for hunting and fishing license fees shall be diverted for any other purpose than the enhancement of wildlife by the Division of Wildlife Resources.

Enacted by Chapter 30, 1984 General Session

23-19-21. Fishing license.

(1) A person 12 years of age or older shall purchase a fishing license before engaging in any regulated fishing activity.

(2) A person 12 years of age or older, upon paying the fee prescribed by the Wildlife Board, may obtain a license to fish:

(a) for one day;

- (b) for seven consecutive days; or
- (c) for 365 consecutive days from the date of sale.
- (3) A person under 12 years of age may fish without a license according to rules, proclamations, and orders set forth by the Wildlife Board.
- (4) The effective date shall be indicated on the license.

Amended by Chapter 187, 2007 General Session

23-19-22. Big game hunting permit.

- (1) A person who is at least 12 years old, upon paying the big game hunting permit fee established by the Wildlife Board, paying the fee established by Subsection (5), and possessing a valid hunting or combination license, may apply for or obtain a permit to hunt big game as provided by rules and proclamations of the Wildlife Board.
- (2) (a) A person who is 11 years old may apply for or obtain a big game hunting permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the calendar year for which the permit is issued.
- (b) A person may not use a permit to hunt big game before the person's 12th birthday.
- (3) (a) Except as provided by Subsection (3)(b), a person who is younger than 14 years old may not apply for or obtain the following types of big game permits issued by the division through a public drawing:
 - (i) premium limited entry;
 - (ii) limited entry;
 - (iii) once-in-a-lifetime; and
 - (iv) cooperative wildlife management unit.
- (b) A person who is 13 years old may obtain a type of permit listed in Subsection (3)(a) if that person's 14th birthday falls within the calendar year for which the permit is issued.
- (4) One dollar of each big game permit fee collected from a resident shall be used for the hunter education program as provided in Section 23-19-17.
- (5) There is established a fee in the amount of \$5 added to each permit under this section to be deposited in the Predator Control Restricted Account.

Amended by Chapter 142, 2012 General Session

23-19-22.5. Cougar or bear hunting permit.

- (1) A person 12 years of age or older, upon paying the cougar or bear hunting permit fee established by the Wildlife Board and possessing a valid hunting or combination license, may apply for or obtain a permit to take cougar or bear as provided by rules and proclamations of the Wildlife Board.
- (2) A person 11 years of age may apply for or obtain a cougar or bear hunting permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the calendar year in which the permit is issued.
- (3) One dollar of each cougar or bear permit fee collected from a resident shall be used for the hunter education program.

Amended by Chapter 187, 2007 General Session

23-19-22.6. Turkey hunting permit -- Use of fee.

(1) A person, upon paying the turkey permit fee established by the Wildlife Board and possessing a valid hunting or combination license, may apply for or obtain a permit to take turkey as provided by rules and proclamations of the Wildlife Board.

(2) One dollar of each turkey permit fee collected from a resident shall be used for the hunter education program.

Amended by Chapter 187, 2007 General Session

23-19-24. Resident hunting license -- Use of fee.

(1) A resident, after paying the fee established by the Wildlife Board, may obtain a hunting license.

(2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:

(a) take small game; and

(b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

(3) Up to \$1 of the hunting license fee may be used for the hunter education program.

(4) (a) Up to 50 cents of the hunting license fee may be used for the upland game program to:

(i) acquire pen-raised birds; or

(ii) capture and transplant upland game species.

(b) The hunting license fee revenue designated for the upland game program by Subsection (4)(a) is in addition to any hunting license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Amended by Chapter 187, 2007 General Session

23-19-26. Nonresident hunting license -- Use of fee.

(1) A nonresident, after paying the fee established by the Wildlife Board, may obtain a hunting license.

(2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:

(a) take small game; and

(b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

(3) (a) Up to 50 cents of the hunting license fee may be used for the upland game program to:

(i) acquire pen-raised birds; or

(ii) capture and transplant upland game species.

(b) The hunting license fee revenue designated for the upland game program by Subsection (3)(a) is in addition to any hunting license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Amended by Chapter 187, 2007 General Session

23-19-27. Furbearer license -- Resident or nonresident.

A resident or nonresident, upon payment of the fee prescribed by the Wildlife Board, may receive a license to take furbearers.

Amended by Chapter 22, 2001 General Session

23-19-31. Resident fur dealer registration.

A resident, upon application to the Wildlife Board, may be registered as a fur dealer.

Amended by Chapter 28, 1980 General Session

23-19-32. Nonresident fur dealer registration.

A nonresident, upon application to the wildlife board, may be registered as a fur dealer.

Amended by Chapter 28, 1980 General Session

23-19-33. Registration of fur dealer's agent.

Any person who is employed by a fur dealer as a fur buyer in the field, upon application to the Wildlife Board, may be registered as a fur dealer's agent.

Amended by Chapter 28, 1980 General Session

23-19-34.5. Falconry certificate of registration -- Residents 12 or older may obtain certificate of registration -- License for falconry meet for nonresidents -- Wildlife Board approval required for falconry meet -- Hunting license required to take protected game.

(1) A resident 12 years of age or older, upon application to the division, may obtain a certificate of registration to hold falcons and engage in the sport of falconry on nongame wildlife species.

(2) A nonresident entering Utah to participate in the sport of falconry at an organized meet shall obtain a license as provided in Section 23-19-34.7.

(3) Organizers of a falconry meet shall apply to and receive approval from the Wildlife Board in order to conduct an organized falconry meet.

(4) (a) Any person engaging in the sport of falconry on protected small game species shall possess, in addition to the falconry certificate of registration, a hunting license.

(b) Any nonresident who has been issued a license pursuant to Section 23-19-34.7 is not required to possess a hunting license in order to take small game during the five-day period of the license.

Amended by Chapter 256, 2010 General Session

23-19-34.7. Nonresident falconry meet license.

(1) A nonresident 12 years of age or older may participate in a falconry meet in

this state upon payment of a fee prescribed by the Wildlife Board.

(2) (a) A nonresident falconry meet license is valid only for five consecutive days, the dates to be designated on the license.

(b) The holder of the license may engage in the sport of falconry on nongame wildlife species and small game species, during the specified five-day period.

Amended by Chapter 256, 2010 General Session

23-19-35. Seining registration.

Any person, upon application to the Wildlife Board, may be registered to seine.

Amended by Chapter 28, 1980 General Session

23-19-36. Persons with a physical or intellectual disability, terminally ill persons, and children in the custody of the state -- License to fish for free.

(1) A resident who is blind, has paraplegia, or has another permanent disability so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities, may receive a free license to fish upon furnishing satisfactory proof of this fact to the Division of Wildlife Resources.

(2) A resident who has an intellectual disability and is not eligible under Section 23-19-14 to fish without a license may receive a free license to fish upon furnishing verification from a physician that the person has an intellectual disability.

(3) A resident who is terminally ill, and has less than five years to live, may receive a free license to fish:

(a) upon furnishing verification from a physician; and

(b) if the resident qualifies for assistance under any low income public assistance program administered by a state agency.

(4) A child placed in the custody of the state by a court order may receive a free fishing license upon furnishing verification of custody to the Division of Wildlife Resources.

Amended by Chapter 366, 2011 General Session

23-19-38. Sales of licenses, certificates, or permits final -- Exceptions -- Reallocation of surrendered permits.

(1) Sales of all licenses, certificates, or permits are final, and no refunds may be made by the division except as provided in Subsections (2) and (3).

(2) The division may refund the amount of the license, certificate, or permit if:

(a) the division or the Wildlife Board discontinues the activity for which the license, certificate, or permit was obtained;

(b) the division determines that it has erroneously collected a fee;

(c) (i) the person to whom the license, certificate, or permit is issued becomes ill or suffers an injury that precludes the person from using the license, certificate, or permit;

(ii) the person furnishes verification of illness or injury from a physician;

(iii) the person does not actually use the license, certificate, or permit; and

(iv) the license, certificate, or permit is surrendered before the end of the season for which the permit was issued; or

(d) the person to whom the license, certificate, or permit is issued dies prior to the person being able to use the license, certificate, or permit.

(3) The Wildlife Board may establish additional exceptions in rule to the refund prohibitions in Subsection (1).

(4) The division director may reallocate surrendered permits in accordance with rules adopted by the Wildlife Board.

Amended by Chapter 288, 2010 General Session

23-19-38.2. Refunds for armed forces or public health or safety organization members -- Criteria.

(1) A member of the United States Armed Forces or public health or public safety organization who is mobilized or deployed on order in the interest of national defense or emergency and is precluded from using a purchased license, certificate, tag, or permit, may, as provided in Subsection (2):

(a) receive a refund from the division; and

(b) if the person has drawn a permit, have all opportunities to draw that permit in a future draw reinstated.

(2) To qualify, the person or a legal representative shall:

(a) notify the division within a reasonable amount of time that the person is applying for a refund;

(b) surrender the license, certificate, tag, or permit to the division; and

(c) furnish satisfactory proof to the division that the person:

(i) is a member of:

(A) the United States Armed Forces;

(B) a public health organization; or

(C) a public safety organization; and

(ii) was precluded from using the license, certificate, tag, or permit as a result of being called to active duty.

(3) The Wildlife Board may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this section including allowing retroactive refund to September 11, 2001.

Amended by Chapter 297, 2011 General Session

23-19-38.3. Fishing licenses for disabled veterans -- Free or reduced price.

(1) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, under which a veteran with a disability may receive a fishing license free or at a reduced price.

(2) In making rules under this section, the division shall utilize the same guidelines for disability as the United States Department of Veterans Affairs.

Amended by Chapter 366, 2011 General Session

23-19-39. Additional appropriation.

The division each year shall request the Legislature to appropriate from the General Fund in the appropriations act, for deposit in the Wildlife Resources Restricted Account, a sum equal to the total of the fees, as determined by the previous year's license sales, that would have otherwise been collected for fishing licenses had full fees been paid by those 65 years of age or older or those who received free fishing privileges under the provisions of Section 23-19-14 or 23-19-36.

Amended by Chapter 128, 1999 General Session

23-19-42. Search and rescue surcharge.

(1) In addition to the fees imposed under this chapter, there is imposed a 25 cent surcharge on each fishing, hunting, or combination license.

(2) This surcharge shall be deposited in the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created under Section 53-2a-1101.

Amended by Chapter 295, 2013 General Session

23-19-43. Wildlife Habitat Account -- Contents -- Use of fund money.

(1) There is created a restricted account within the General Fund known as the Wildlife Habitat Account.

(2) The contents of the account shall consist of:

- (a) revenue from the sale of licenses, permits, stamps, certificates of registration, and Wildlife Heritage certificates as provided in Section 23-19-47;
- (b) money donated to the division for a purpose specified in Subsection (6); and
- (c) interest and earnings on account money.

(3) Revenue from the sale of licenses, permits, stamps, certificates of registration, and Wildlife Heritage certificates that is deposited to the account pursuant to Section 23-19-47 shall be used by the division, after appropriation by the Legislature, as provided in Subsections (4) through (6).

(4) (a) Each year up to \$70,000 or 4% of the annual deposits to the account, whichever amount is greater, shall be allocated for the development, restoration, and preservation of wetlands that are beneficial to waterfowl.

(b) Up to 20% of the money allocated to waterfowl projects may be appropriated by the Legislature for use by a nonprofit conservation organization for wetland development projects within the state that benefit waterfowl.

(5) (a) Each year up to \$230,000 or 12% of the annual deposits to the account, whichever amount is greater, shall be allocated to upland game projects as follows:

- (i) the control of predators;
- (ii) the development, improvement, restoration, or maintenance of critical habitat through the establishment of landowner incentives, cooperative programs, or other means;
- (iii) the acquisition or preservation of critical habitat;
- (iv) landowner habitat education and assistance programs;
- (v) public access to private lands; and

(vi) upland game transplant and reintroduction programs.

(b) As used in this section "upland game" means pheasant, quail, chukar, partridge, sage grouse, sharp-tailed grouse, Hungarian partridge, ruffed grouse, blue grouse, ptarmigan, mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.

(c) Money allocated to upland game may not be used for the acquisition, development, improvement, restoration, or maintenance of habitat within commercial hunting areas.

(d) No more than 5% of the money allocated to upland game may be used for landowner habitat education programs.

(e) The money allocated to upland game shall be used for programs and activities relating to upland game species based generally upon the proportion of average annual hunter participation for each species.

(f) Projects for which free public access is assured shall receive first priority for funding from money allocated to upland game.

(g) Projects for which public access is assured shall receive second priority for funding from money allocated to upland game.

(6) The remaining money in the account shall be used for the following purposes:

(a) the enhancement, acquisition, preservation, protection, and management of aquatic and terrestrial wildlife habitat; and

(b) to improve access for fishing and hunting.

(7) The division shall seek the advice and recommendations of the Habitat Council, created by the division, regarding the expenditure of account money.

(8) Donations of money deposited into the account and interest earned on that money shall be expended:

(a) as directed by the donor; and

(b) without being appropriated by the Legislature.

Amended by Chapter 195, 2000 General Session

23-19-45. Fees and certificates of registration to harvest brine shrimp eggs.

(1) The Wildlife Board may not impose fees to harvest brine shrimp eggs other than certificate of registration fees.

(2) Each person holding certificates of registration for the harvesting of brine shrimp eggs in the 1996-97 harvesting season may obtain the same number of certificates of registration for the 1997-98 and 1998-99 harvesting seasons upon payment of the required fee.

Enacted by Chapter 179, 1997 General Session

23-19-47. Portion of revenue from license, permit, stamp, certificate of registration, and Wildlife Heritage certificate fees deposited in Wildlife Habitat Account.

(1) Fifty cents of the fee charged for any of the following licenses or stamps

shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:

- (a) a one-day fishing license; or
- (b) a one-day fishing stamp.

(2) Three dollars and fifty cents of the fee charged for any of the following licenses or permits shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:

- (a) a fishing license, except any one-day fishing license;
- (b) a hunting license;
- (c) a combination license;
- (d) a furbearer license; or
- (e) a fishing permit, except any fish stamp.

(3) Four dollars and seventy-five cents of the fee charged for any of the following certificates of registration, permits, or Wildlife Heritage certificates shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:

- (a) a certificate of registration for the dedicated hunter program, except a certificate of registration issued to a lifetime licensee;
- (b) a big game permit;
- (c) a bear permit;
- (d) a cougar permit;
- (e) a turkey permit;
- (f) a muskrat permit; or
- (g) a Wildlife Heritage certificate.

Amended by Chapter 187, 2007 General Session

23-19-48. Predator Control Restricted Account -- Contents -- Use of funds.

(1) There is created a restricted account within the General Fund known as the Predator Control Restricted Account.

(2) The restricted account includes:

- (a) deposits made to the restricted account from fees established on hunting permits in accordance with Section 23-19-22; and
- (b) any other amount deposited in the restricted account from donations or appropriations.

(3) Money from the restricted account shall be used by the division to fund a predator control program to control populations of predatory animals that endanger the health of nonpredatory wildlife populations in the state, consistent with the policies of the Wildlife Board.

Enacted by Chapter 142, 2012 General Session

23-20-1. Enforcement authority of conservation officers -- Seizure and disposition of property.

(1) Conservation officers of the division shall enforce the provisions of this title with the same authority and following the same procedures as other law enforcement officers.

- (2) (a) Conservation officers shall seize any protected wildlife illegally taken or

held.

(b) (i) Upon determination of a defendant's guilt by the court, the protected wildlife shall be confiscated by the court and sold or otherwise disposed of by the division.

(ii) Proceeds of the sales shall be deposited in the Wildlife Resources Account.

(iii) Migratory wildfowl may not be sold, but shall be given to a charitable institution or used for other charitable purposes.

(3) (a) Conservation officers may seize and impound a vehicle used for the unlawful taking or possessing of protected wildlife for any of the following purposes:

(i) to provide for the safekeeping of the vehicle, if the owner or operator is arrested;

(ii) to search the vehicle as provided in Subsection (2)(a) or as provided by a search warrant; or

(iii) to inspect the vehicle for evidence that protected wildlife was unlawfully taken or possessed.

(b) The division shall store any seized vehicle in a public or private garage, state impound lot, or other secured storage facility.

(4) A seized vehicle shall be released to the owner no later than 30 days after the date the vehicle is seized, unless the vehicle was used for the unlawful taking or possessing of wildlife by a person who is charged with committing a felony under this title.

(5) (a) The owner of a seized vehicle is liable for the payment of any impound fee if the owner used the vehicle for the unlawful taking or possessing of wildlife and is found by a court to be guilty of a violation of this title.

(b) The owner of a seized vehicle is not liable for the payment of any impound fee or, if the fees have been paid, is entitled to reimbursement of the fees paid, if:

(i) no charges are filed or all charges are dropped which involve the use of the vehicle for the unlawful taking or possessing of wildlife;

(ii) the person charged with using the vehicle for the unlawful taking or possessing of wildlife is found by a court to be not guilty; or

(iii) the owner did not consent to a use of the vehicle which violates this chapter.

Amended by Chapter 394, 2013 General Session

23-20-1.5. Powers of law enforcement section -- Employees.

(1) The chief and assistant chief of the law enforcement section, enforcement agents, and conservation officers of the law enforcement section within the Division of Wildlife Resources are vested with the powers of law enforcement officers throughout all of the counties of the state with exception of the power to serve civil process and:

(a) may serve criminal process, arrest, and prosecute violators of any law of this state; and

(b) shall have the same right as other law enforcement officers to require aid in executing their duties.

(2) The powers and duties conferred by this section upon employees of the law enforcement section of the Division of Wildlife Resources shall be supplementary to and in no way a limitation on the powers and duties of other law enforcement officers in

the state.

Amended by Chapter 282, 1998 General Session

23-20-2. Special deputies -- Appointment -- Duties.

The director of the Division of Wildlife Resources is authorized to appoint persons, on a temporary basis, as special deputies. These special deputies shall have the authority to enforce provisions of this code and all rules and regulations promulgated under this code.

Enacted by Chapter 46, 1971 General Session

23-20-3. Taking, transporting, selling, or purchasing protected wildlife illegal except as authorized -- Penalty.

(1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a person may not:

- (a) take protected wildlife or its parts;
- (b) collect, import, possess, transport, propagate, store, donate, transfer, or export protected wildlife or its parts;
- (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or its parts without having previously procured the necessary licenses, permits, tags, stamps, certificates of registration, authorizations, and receipts required in this title or a rule, proclamation, or order of the Wildlife Board;
- (d) take protected wildlife with any weapon, ammunition, implement, tool, device, or any part of any of these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- (e) possess while in pursuit of protected wildlife any weapon, ammunition, implement, tool, device, or any part of any of these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- (f) take protected wildlife using any method, means, process, or practice not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- (g) take protected wildlife outside the season dates, location boundaries, and daily time frames established in rule, proclamation, or order of the Wildlife Board;
- (h) take protected wildlife in excess of the bag and possession limits established in rule, proclamation, or order of the Wildlife Board;
- (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule, proclamation, or order of the Wildlife Board, or by executive order of the division director pursuant to Subsection 23-14-8(4);
- (j) practice falconry or capture, possess, or use birds in falconry;
- (k) take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles;
- (l) hold in captivity at any time any live protected wildlife;
- (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- (n) remove, damage, or destroy an occupied nest of protected wildlife;

- (o) release captured or captive wildlife into the wild;
 - (p) use spotlighting to take protected wildlife;
 - (q) employ or use a means of concealment or camouflage while taking protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
 - (r) possess or use bait or other attractant to take protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
 - (s) use any decoy or recorded or electronically amplified call which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
 - (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp eggs;
 - (u) utilize protected wildlife for commercial purposes or financial gain;
 - (v) enter, establish, or hold a contest or tournament involving the taking of protected wildlife;
 - (w) operate or participate in a commercial hunting area as described in Section 23-17-6; or
 - (x) operate or participate in a cooperative wildlife management unit as defined in Section 23-23-2.
- (2) Possession of protected wildlife without a valid license, permit, tag, certificate of registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was illegally taken and is illegally held in possession.
- (3) A person is guilty of a class B misdemeanor if the person:
- (a) violates any provision of Subsection (1); and
 - (b) does so with criminal negligence as defined in Subsection 76-2-103(4).

Amended by Chapter 347, 2009 General Session

23-20-3.5. Taking protected wildlife while trespassing -- Penalty.

- (1) A person may not take or permit his dog to take, while in violation of Subsection 23-20-14(2):
- (a) protected wildlife or their parts;
 - (b) an occupied nest of protected wildlife; or
 - (c) an egg of protected wildlife.
- (2) A person is guilty of a class B misdemeanor if he or she violates any provision of Subsection (1).

Enacted by Chapter 5, 2000 General Session

23-20-4. Wanton destruction of protected wildlife -- Penalties.

- (1) A person is guilty of wanton destruction of protected wildlife if that person:
- (a) commits an act in violation of Section 23-13-4, 23-13-5, 23-13-13, 23-15-6 through 23-15-9, 23-16-5, or Subsection 23-20-3(1);
 - (b) captures, injures, or destroys protected wildlife; and
 - (c) (i) does so with intentional, knowing, or reckless conduct as defined in Section 76-2-103;

- (ii) intentionally abandons protected wildlife or a carcass;
 - (iii) commits the offense at night with the use of a weapon;
 - (iv) is under a court or division revocation of a license, tag, permit, or certificate of registration; or
 - (v) acts for pecuniary gain.
- (2) Subsection (1) does not apply to actions taken in accordance with:
- (a) Title 4, Chapter 14, Utah Pesticide Control Act;
 - (b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or
 - (c) Section 23-16-3.1.
- (3) Wanton destruction of wildlife is punishable:
- (a) as a third degree felony if:
 - (i) the aggregate value of the protected wildlife determined by the values in Subsection (4) is more than \$500; or
 - (ii) a trophy animal was captured, injured, or destroyed;
 - (b) as a class A misdemeanor if the aggregate value of the protected wildlife, determined by the values established in Subsection (4) is more than \$250, but does not exceed \$500; and
 - (c) as a class B misdemeanor if the aggregate value of the protected wildlife determined by the values established in Subsection (4) is \$250 or less.
- (4) Regardless of the restitution amounts imposed under Subsection 23-20-4.5(2), the following values are assigned to protected wildlife for the purpose of determining the offense for wanton destruction of wildlife:
- (a) \$1,000 per animal for:
 - (i) bison;
 - (ii) bighorn sheep;
 - (iii) rocky mountain goat;
 - (iv) moose;
 - (v) bear;
 - (vi) peregrine falcon;
 - (vii) bald eagle; or
 - (viii) endangered species;
 - (b) \$750 per animal for:
 - (i) elk; or
 - (ii) threatened species;
 - (c) \$500 per animal for:
 - (i) cougar;
 - (ii) golden eagle;
 - (iii) river otter; or
 - (iv) gila monster;
 - (d) \$400 per animal for:
 - (i) pronghorn antelope; or
 - (ii) deer;
 - (e) \$350 per animal for bobcat;
 - (f) \$100 per animal for:
 - (i) swan;
 - (ii) sandhill crane;

- (iii) turkey;
- (iv) pelican;
- (v) loon;
- (vi) egrets;
- (vii) herons;
- (viii) raptors, except those that are threatened or endangered;
- (ix) Utah milk snake; or
- (x) Utah mountain king snake;
- (g) \$35 per animal for furbearers, except:
 - (i) bobcat;
 - (ii) river otter; and
 - (iii) threatened or endangered species;
- (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;
 - (i) \$15 per animal for game birds, except:
 - (i) turkey;
 - (ii) swan; and
 - (iii) sandhill crane;
 - (j) \$10 per animal for game fish not listed in Subsection (4)(h);
 - (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
 - (l) \$5 per animal for protected wildlife not listed.

(5) For purposes of sentencing for a wildlife violation, a person who has been convicted of a third degree felony under Subsection (3)(a) is not subject to the mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).

(6) As part of a sentence imposed, the court shall impose a sentence of incarceration of not less than 20 consecutive days for a person convicted of a third degree felony under Subsection (3)(a)(ii) who captured, injured, or destroyed a trophy animal for pecuniary gain.

(7) If a person has already been convicted of a third degree felony under Subsection (3)(a)(ii) once, each separate additional offense under Subsection (3)(a)(ii) is punishable by, as part of a sentence imposed, a sentence of incarceration of not less than 20 consecutive days.

(8) The court may not sentence a person subject to Subsection (6) or (7) to less than 20 consecutive days of incarceration or suspend the imposition of the sentence unless the court finds mitigating circumstances justifying lesser punishment and makes that finding a part of the court record.

Amended by Chapter 250, 2009 General Session

23-20-4.5. Illegal taking, possession, or wanton destruction of protected wildlife -- Restitution -- Reimbursable damages -- Assessment by magistrates -- Disposition of money.

(1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton destruction of protected wildlife, other than a trophy animal, the court may order the defendant to pay restitution:

- (a) as set forth in Subsection (2); or

- (b) in a greater or lesser amount than the amount established in Subsection (2).
- (2) Suggested minimum restitution values for protected wildlife are as follows:
 - (a) \$1,000 per animal for:
 - (i) bison;
 - (ii) bighorn sheep;
 - (iii) rocky mountain goat;
 - (iv) moose;
 - (v) bear;
 - (vi) peregrine falcon;
 - (vii) bald eagle; or
 - (viii) endangered species;
 - (b) \$750 per animal for:
 - (i) elk; or
 - (ii) threatened species;
 - (c) \$500 per animal for:
 - (i) golden eagle;
 - (ii) river otter; or
 - (iii) gila monster;
 - (d) \$400 per animal for:
 - (i) pronghorn antelope; or
 - (ii) deer;
 - (e) \$350 per animal for:
 - (i) cougar; or
 - (ii) bobcat;
 - (f) \$100 per animal for:
 - (i) swan;
 - (ii) sandhill crane;
 - (iii) turkey;
 - (iv) pelican;
 - (v) loon;
 - (vi) egrets;
 - (vii) herons;
 - (viii) raptors, except those that are threatened or endangered;
 - (ix) Utah milk snake; or
 - (x) Utah mountain king snake;
 - (g) \$35 per animal for furbearers, except:
 - (i) bobcat;
 - (ii) river otter; and
 - (iii) threatened or endangered species;
 - (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;
 - (i) \$15 per animal for game birds, except:
 - (i) turkey;
 - (ii) swan; and
 - (iii) sandhill crane;
 - (j) \$10 per animal for game fish not listed in Subsection (2)(h);

- (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
- (l) \$5 per animal for protected wildlife not listed.
- (3) If the court finds that restitution is inappropriate or if the value imposed is less than the suggested minimum value as provided in Subsection (2), the court shall make the reasons for the decision part of the court record.
- (4) (a) The court shall order a person convicted of a third degree felony under Subsection 23-20-4(3)(a)(ii) to pay restitution in accordance with Subsection (4)(b).
- (b) The minimum restitution value for a trophy animal is as follows:
 - (i) \$30,000 per animal for bighorn, desert, or rocky mountain sheep;
 - (ii) \$8,000 per animal for deer;
 - (iii) \$8,000 per animal for elk;
 - (iv) \$6,000 per animal for moose or mountain goat;
 - (v) \$6,000 per animal for bison; and
 - (vi) \$2,000 per animal for pronghorn antelope.
- (5) Restitution paid under Subsection (4) shall be remitted to the division and deposited in the Wildlife Resources Account.
- (6) Restitution money shall be used by the division for activities and programs to help stop poaching, including:
 - (a) educational programs on wildlife crime prevention;
 - (b) acquisition and development of wildlife crime detection equipment;
 - (c) operation and maintenance of anti-poaching projects; and
 - (d) wildlife law enforcement training.
- (7) If restitution is required it shall be in addition to:
 - (a) a fine or penalty imposed for a violation of any provision of this title; and
 - (b) a remedial action taken to revoke or suspend a person's license, permit, tag, or certificate of registration.
- (8) A judgment imposed under this section constitutes a lien when recorded in the judgment docket and shall have the same effect and is subject to the same rules as a judgment for money in a civil action.

Amended by Chapter 250, 2009 General Session

23-20-4.7. Habitual wanton destruction of protected wildlife -- Third degree felony.

- (1) A person is guilty of habitual wanton destruction of protected wildlife if the person:
 - (a) takes a big game animal in violation of Section 23-20-4; and
 - (b) within seven years of the day on which the violation described in Subsection (1)(a) occurs, has twice been convicted of taking a big game animal in violation of Section 23-20-4.
- (2) "Convicted," for purposes of this section, includes a guilty adjudication, guilty plea, no contest plea, and guilty or no contest plea entered in a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance.
- (3) Habitual wanton destruction of protected wildlife is a third degree felony.

Enacted by Chapter 52, 2010 General Session

23-20-8. Waste of wildlife unlawful.

Except as otherwise provided in this title, or by rule made by the Wildlife Board under this title, or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title, a person may not waste or permit to be wasted protected wildlife or a part of protected wildlife.

Amended by Chapter 282, 2013 General Session

23-20-9. Donating protected wildlife.

(1) A person may only donate protected wildlife or their parts to another person at:

- (a) the residence of the donor;
- (b) the residence of the person receiving protected wildlife or their parts;
- (c) a meat locker;
- (d) a storage plant;
- (e) a meat processing facility; or
- (f) a location authorized by the Wildlife Board in rule, proclamation, or order.

(2) A written statement of donation shall be kept with the protected wildlife or parts showing:

- (a) the number and species of protected wildlife or parts donated;
- (b) the date of donation;
- (c) the license or permit number of the donor; and
- (d) the signature of the donor.

(3) Notwithstanding Subsections (1) and (2), a person may donate the hide of a big game animal to another person or organization at any place without a donation slip.

Amended by Chapter 297, 2011 General Session

23-20-10. Butcher, locker or storage plant to require proper tag or donation slip.

It is unlawful for any butcher or owner or employee of a locker plant or storage plant to receive for processing or storage the carcass of any protected wildlife which by law or regulation is required to be tagged, unless the carcass has attached to it the required tag or proper donation slip.

Enacted by Chapter 46, 1971 General Session

23-20-12. Airplanes or terrestrial or aquatic vehicles -- Use in taking wildlife unlawful -- Exceptions.

(1) It is unlawful for any person to take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles, except as provided by this code or in the rules and regulations of the Wildlife Board.

(2) Notwithstanding Subsection (1), an individual validly licensed to hunt may be authorized to hunt from a vehicle under terms and conditions specified by the Wildlife Board if the individual has:

- (a) paraplegia; or
- (b) a disability that permanently confines the individual to a wheelchair or the use of crutches.

Amended by Chapter 366, 2011 General Session

23-20-13. Signs or equipment -- Damage or destruction unlawful.

A person may not:

- (1) shoot at, shoot, deface, damage, remove, or destroy any division signs or placards located in any part of this state; or
- (2) damage, destroy, remove, or cause to be damaged, destroyed, or removed any equipment or devices owned, controlled, or operated by the Division of Wildlife Resources.

Amended by Chapter 23, 1995 General Session

Amended by Chapter 211, 1995 General Session

23-20-14. Definitions -- Posted property -- Hunting by permission -- Entry on private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to officers.

- (1) As used in this section:
 - (a) "Cultivated land" means land that is readily identifiable as:
 - (i) land whose soil is loosened or broken up for the raising of crops;
 - (ii) land used for the raising of crops; or
 - (iii) pasturage which is artificially irrigated.
 - (b) "Division" means the Division of Wildlife Resources.
 - (c) "Permission" means written authorization from the owner or person in charge to enter upon private land that is either cultivated or properly posted, and shall include:
 - (i) the signature of the owner or person in charge;
 - (ii) the name of the person being given permission;
 - (iii) the appropriate dates; and
 - (iv) a general description of the property.
 - (d) "Properly posted" means that signs prohibiting trespass or bright yellow, bright orange, or fluorescent paint are clearly displayed:
 - (i) at all corners, fishing streams crossing property lines, roads, gates, and rights-of-way entering the land; or
 - (ii) in a manner that would reasonably be expected to be seen by a person in the area.
- (2) (a) While taking wildlife or engaging in wildlife related activities, a person may not:
 - (i) without permission, enter upon privately owned land that is cultivated or properly posted;
 - (ii) enter or remain on privately owned land if the person has notice to not enter or remain on the privately owned land; or
 - (iii) obstruct any entrance or exit to private property.
- (b) A person has notice to not enter or remain on privately owned land if:

- (i) the person is directed to not enter or remain on the land by:
 - (A) the owner of the land;
 - (B) the owner's employee; or
 - (C) a person with apparent authority to act for the owner; or
- (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person would recognize as intended to exclude intruders.
- (c) The division shall provide "hunting by permission cards" to a landowner upon the landowner's request.
- (d) A person may not post:
 - (i) private property the person does not own or legally control; or
 - (ii) land that is open to the public as provided by Section 23-21-4.
- (3) (a) A person convicted of violating Subsection (2)(a) may have the person's license, tag, certificate of registration, or permit, relating to the activity engaged in at the time of the violation, revoked by a hearing officer.
- (b) A hearing officer may construe any subsequent conviction which occurs within a five-year period as a flagrant violation and may prohibit the person from obtaining a new license, tag, certificate of registration, or permit for a period of up to five years.
- (4) Subsection (2)(a) does not apply to peace or conservation officers in the performance of their duties.
- (5) (a) The division shall provide information regarding owners' rights and sportsmen's duties:
 - (i) to anyone holding licenses, certificates of registration, tags, or permits to take wildlife; and
 - (ii) by using the public media and other sources.
- (b) The restrictions in this section relating to trespassing shall be stated in all hunting and fishing proclamations issued by the Wildlife Board.
- (6) A person who violates Subsection (2)(a) or (d) is guilty of a class B misdemeanor.

Amended by Chapter 268, 2012 General Session

23-20-15. Destruction of signs or inclosure on private land unlawful.

It is unlawful for any person, without the consent of the owner or person in charge of any privately owned land, to tear down, mutilate, or destroy any sign, signboard or other notice which regulates trespassing for purposes of hunting, trapping, or fishing on this land; or to, without such consent, tear down, deface, or destroy any fence or other inclosure on this privately owned land, or any gate or bars belonging to any such fence or inclosure.

Enacted by Chapter 46, 1971 General Session

23-20-16. Enforcement -- Procedure.

In enforcing the misdemeanor or felony provisions of this code, the peace officer shall follow the procedures and requirements of Title 53, Chapter 13, Peace Officer Classifications.

Amended by Chapter 282, 1998 General Session

23-20-18. Interference with, intimidation or harassment of officer unlawful.

It is unlawful for any person to interfere with, intimidate or harass a conservation officer or special deputy in the lawful performance of his duty.

Amended by Chapter 60, 1975 General Session

23-20-19. Failure to stop at road blocks or checking stations unlawful.

It is unlawful for any person to fail to stop at Division of Wildlife Resources road blocks or checking stations where a stop sign or red or blue light is displayed.

Amended by Chapter 60, 1975 General Session

23-20-20. Children accompanied by adults while hunting with weapon.

(1) As used in this section:

(a) "Accompanied" means at a distance within which visual and verbal communication is maintained for the purposes of advising and assisting.

(b) (i) "Electronic device" means a mechanism powered by electricity that allows communication between two or more people.

(ii) "Electronic device" includes a mobile telephone or two-way radio.

(c) "Verbal communication" means the conveyance of information through speech that does not involve an electronic device.

(2) A person younger than 14 years old who is hunting with any weapon shall be accompanied by:

(a) the person's parent or legal guardian; or

(b) a responsible person who is at least 21 years old and who is approved by the person's parent or guardian.

(3) A person younger than 16 years old who is hunting big game with any weapon shall be accompanied by:

(a) the person's parent or legal guardian; or

(b) a responsible person who is at least 21 years old and who is approved by the person's parent or guardian.

(4) A person who is at least 14 years old but younger than 16 years old shall be accompanied by a person who is at least 21 years old while hunting wildlife, other than big game, with any weapon.

Amended by Chapter 297, 2011 General Session

23-20-23. Aiding or assisting violation unlawful.

It is unlawful for any person to aid or assist any other person to violate any provisions of this code or any rules or regulations promulgated under it. The penalty for violating this section is the same as for the provision or regulation for which aid or assistance is given.

Enacted by Chapter 46, 1971 General Session

**23-20-25. Exhibition of license, permit, tag or device required --
Misdemeanor.**

(1) Any person while engaged in any activity regulated under this title, shall be required upon demand of any conservation officer or any other peace officer to exhibit:

- (a) the required license, permit, or tag;
- (b) any device or apparatus in that person's possession used for any activity regulated under this title; or
- (c) any wildlife in that person's possession.

(2) Any conservation officer who has a reasonable belief that a person is engaged in any activity regulated under this title may stop and temporarily detain that person in order to demand and inspect:

- (a) the required license, permit, or tag;
- (b) any device or apparatus in that person's possession used for any activity regulated under this title; or
- (c) any wildlife in that person's possession.

(3) Any person who fails to produce for examination to an officer any of the required licenses, permits, tags, devices or apparatuses used for any activity regulated under this title or any wildlife in that person's possession is guilty of a class B misdemeanor.

Amended by Chapter 208, 1994 General Session

23-20-27. Alteration of license, permit, tag or certificate a misdemeanor.

Any person who at any time alters or changes in any manner, with intent to defraud, any license, permit, tag or certificate of registration issued under provisions of this code or action of the Wildlife Board is guilty of a misdemeanor.

Enacted by Chapter 33, 1973 General Session

23-20-28. Search warrants.

(1) A search warrant may be issued by a magistrate to search for any property which may constitute evidence of any violation of the provisions of this code, rules, regulations, or proclamations of the Wildlife Board upon an affidavit of any person.

(2) The search warrant shall be directed to a conservation officer or a peace officer, directing the officer to search for evidence and to bring it before the magistrate.

(3) A search warrant may not be issued except upon probable cause supported by oath or affirmation, particularly describing the place, person, or thing to be searched for and the person or thing to be seized.

(4) The warrant shall be served in the daytime, unless there is reason to believe that the service of the search warrant is required immediately because a person may:

- (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;
- (b) destroy or conceal evidence of the commission of any violation; or
- (c) injure another person or damage property.

- (5) The search warrant may be served at night if:
 - (a) there is reason to believe that a violation may occur at night; or
 - (b) the evidence of the violation may not be available to the officers serving the warrant during the day.

Amended by Chapter 297, 2011 General Session

23-20-29. Interference with hunting prohibited -- Action to recover damages -- Exceptions.

(1) A person is guilty of a class B misdemeanor who intentionally interferes with the right of a person licensed and legally hunting under Chapter 19, Licenses, Permits, and Tags to take wildlife by driving, harassing, or intentionally disturbing any species of wildlife for the purpose of disrupting a legal hunt, trapping, or predator control.

(2) Any directly affected person or the state may bring an action to recover civil damages resulting from a violation of Subsection (1) or a restraining order to prevent a potential violation of Subsection (1).

(3) This section does not apply to incidental interference with a hunt caused by lawful activities including ranching, mining, and recreation.

Amended by Chapter 297, 2011 General Session

23-20-29.5. Interference with hunters or hunting activity -- Prosecution under criminal code.

A person who intentionally interferes with a person who is licensed and taking wildlife legally under the provision of Title 23, Chapter 19, or disrupts an activity involving a legal hunt, trapping, falconry, or predator control may be charged with a violation under Section 76-9-102 if that interference or disruption constitutes a violation under Section 76-9-102.

Enacted by Chapter 87, 1994 General Session

23-20-30. Tagging requirements.

(1) The Wildlife Board may make rules that require the carcass of certain species of protected wildlife to be tagged.

(2) The carcass of any species of protected wildlife required to be tagged shall be tagged before the carcass is moved from or the hunter leaves the site of kill.

(3) To tag a carcass, a person shall:

(a) completely detach the tag from the license or permit;

(b) completely remove the appropriate notches to correspond with:

(i) the date the animal was taken; and

(ii) the sex of the animal; and

(c) attach the tag to the carcass so that the tag remains securely fastened and visible.

(4) A person may not:

(a) remove more than one notch indicating date or sex; or

(b) tag more than one carcass using the same tag.

Amended by Chapter 297, 2011 General Session

23-20-31. Requirement to wear hunter orange -- Exceptions.

- (1) As used in this section:
 - (a) (i) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle, except as provided in Subsection (1)(a)(ii).
 - (ii) "Centerfire rifle hunt" does not include:
 - (A) a bighorn sheep hunt;
 - (B) a mountain goat hunt;
 - (C) a bison hunt;
 - (D) a moose hunt;
 - (E) a hunt requiring the hunter to possess a statewide conservation permit; or
 - (F) a hunt requiring the hunter to possess a statewide sportsman permit.
 - (b) "Statewide conservation permit" means a permit:
 - (i) issued by the division;
 - (ii) distributed through a nonprofit organization founded for the purpose of promoting wildlife conservation; and
 - (iii) valid:
 - (A) on open hunting units statewide; and
 - (B) for the species of big game and time period designated by the Wildlife Board.
 - (c) "Statewide sportsman permit" means a permit:
 - (i) issued by the division through a public draw; and
 - (ii) valid:
 - (A) on open hunting units statewide; and
 - (B) for the species of big game and time period designated by the Wildlife Board.
- (2) (a) A person shall wear a minimum of 400 square inches of hunter orange material while hunting any species of big game, except as provided in Subsection (3).
- (b) Hunter orange material shall be worn on the head, chest, and back.
- (3) A person is not required to wear the hunter orange material described in Subsection (2):
 - (a) during the following types of hunts, unless a centerfire rifle hunt is in progress in the same area:
 - (i) archery;
 - (ii) muzzle-loader;
 - (iii) mountain goat;
 - (iv) bighorn sheep;
 - (v) bison; or
 - (vi) moose; or
 - (b) as provided by a rule of the Wildlife Board.

Amended by Chapter 297, 2011 General Session

23-21-5. Definitions.

As used in this chapter:

(1) "General plan" means a document that a municipality or county adopts that sets forth general guidelines for proposed future development of the land within the municipality or county and includes what is commonly referred to as a "master plan."

(2) "Management plan" means a document prepared in accordance with this chapter that describes how one or more tracts of land owned by the Division of Wildlife Resources are to be used.

(3) "Regional advisory council" means a council created pursuant to Section 23-14-2.6.

(4) "Wildlife management area" means:

- (a) a single tract of land owned by the division; or
- (b) two or more tracts of land owned by the division that are within close proximity of each other and managed as a single unit.

Enacted by Chapter 218, 1998 General Session

23-21-1. Acquisition of lands, waters and rights-of-way -- Authority of division.

The Division of Wildlife Resources shall have the power to acquire lands, waters, and rights-of-way by purchase, lease, agreement, gift, exchange, contribution, or any other lawful means, for authorized activities of the Division of Wildlife Resources as outlined by this code and the rules and regulations of the Wildlife Board.

Enacted by Chapter 46, 1971 General Session

23-21-1.5. Acquisition of real property held in private ownership -- Published notice and governor's approval required.

(1) The Division of Wildlife Resources may not acquire title to real property held in private ownership without first:

- (a) publishing a notice of the proposed acquisition:
 - (i) in a newspaper of general circulation in the county in which the property is located; and
 - (ii) as required in Section 45-1-101; and
- (b) obtaining the approval of the governor.

(2) The requirements of Subsection (1) apply whether title to real property held in private ownership is acquired through a purchase, donation, or other means.

(3) In the case of a proposed purchase of private property, the notice may be published after earnest money is paid.

- (4) The published notice shall inform the public regarding:
 - (a) the proposed use of the land;
 - (b) any conditions on the acquisition of the land placed by donors, the federal government, sellers, or others specifying how the land must be used;
 - (c) any changes to existing land uses that are anticipated; and
 - (d) the public comment submission process for comments on the proposed acquisition.

(5) The governor shall:

- (a) submit a notification of the proposed acquisition to:
 - (i) the county executive of the county in which the property is located;
 - (ii) the legislators of the legislative districts in which the lands are located; and
 - (iii) the School and Institutional Trust Lands Administration; and
- (b) invite those notified to submit any comments on the proposed acquisition.
- (6) After considering comments on the proposed acquisition, the governor may approve the acquisition in whole or in part or disapprove the acquisition.

Amended by Chapter 388, 2009 General Session

23-21-2. Payments in lieu of property taxes on property purchased by division.

Prior to the purchase of any real property held in private ownership, the Division of Wildlife Resources shall first submit the proposition to the county legislative body in a regular open public meeting in the county where the property is located and shall by contractual agreement with the county legislative body, approved by the executive director of the Department of Natural Resources, agree to pay an amount of money in lieu of property taxes to the county. The division shall, by contractual agreement with the county legislative body in which any property previously acquired from private ownership and now owned by the division is located, agree to pay annually an amount of money in lieu of wildlife resource fine money, previously paid to the county. Payments provided for in this section will not exceed what the regularly assessed real property taxes would be if the land had remained in private ownership; and these payments may not include any amount for buildings, installations, fixtures, improvements or personal property located upon the land or for those acquired, constructed or placed by the division after it acquires the land.

Amended by Chapter 297, 2011 General Session

23-21-2.1. Management plans.

(1) The division shall prepare a management plan for each wildlife management area. Upon adoption of a management plan by the division director, the lands shall be managed in accordance with the management plan.

(2) Each plan shall include:

- (a) a statement of the proposed or anticipated uses;
- (b) a description of any management limitations or conditions covering the area;
- (c) an inventory of the existing conditions;
- (d) a statement of the desired future condition of the area;
- (e) a list of strategies that may be implemented to achieve the desired future condition; and
- (f) a description of any reallocation of forage, water, or other resource appurtenant to the land.

Enacted by Chapter 218, 1998 General Session

23-21-2.2. Preparation of management plans -- Participation by interested

persons and local and tribal governments -- Compatibility with local government plans and existing rights.

(1) The division shall invite persons who may have an interest in how the land is managed to participate in the management planning process.

(2) Those persons may include:

(a) persons who use, or may use, the land for:

(i) agriculture, mining, or other commercial pursuits;

(ii) hunting or fishing;

(iii) recreation; or

(iv) other uses;

(b) adjacent or nearby landowners or residents; or

(c) other interested parties.

(3) The division shall invite local government officials to participate in the management planning process.

(4) In preparing a management plan, the division shall seek to make land uses compatible with:

(a) local government general plans and zoning and land use ordinances; and

(b) existing rights of others within the area.

(5) (a) If the land is located within or adjacent to tribal lands, the division shall invite tribal government officials to participate in the management planning process.

(b) Participation by tribal officials in the development of management plans for lands owned by the division does not waive the tribe's sovereignty.

Enacted by Chapter 218, 1998 General Session

23-21-2.3. Review and adoption of management plans.

(1) The division shall submit the draft management plan to the Resource Development Coordinating Committee created in Section 63J-4-501 and the Habitat Council created by the division for their review and recommendations.

(2) The division shall submit the draft management plan and any recommendations received from the Resource Development Coordinating Committee and the Habitat Council to:

(a) the regional advisory council for the wildlife region in which the lands covered by the management plan are located; and

(b) the regional advisory council for any wildlife region that may be affected by the management plan.

(3) Each regional advisory council reviewing the draft management plan may make recommendations to the division director.

(4) The division director has authority to adopt the management plan, adopt the plan with amendments, or reject the plan.

(5) At the request of the division director or any member of the Wildlife Board, the Wildlife Board may review a management plan to determine whether the plan is consistent with board policies.

(6) The division director may amend a management plan in accordance with recommendations made by the Wildlife Board.

Amended by Chapter 382, 2008 General Session

23-21-2.4. Procedure to revise a management plan.

(1) Any person seeking a revision of a management plan may request the regional advisory council in the region where the land is located to consider the proposal to revise the plan. The regional advisory council shall consider the proposal and advise the division.

(2) The process specified in Sections 23-21-2.2 and 23-21-2.3 shall be used to revise a management plan.

Enacted by Chapter 218, 1998 General Session

23-21-2.5. Change in land use where a management plan is not in effect -- Notification to affected persons -- Compatibility with local government plans.

(1) If a management plan has not been adopted by the division director for a tract of land owned by the division, the division may not change any existing right to use the land until the division notifies those who may be affected by the change and local government officials.

(2) When changing any existing right to use the land, the division shall seek to make uses of division-owned land compatible with local government general plans and zoning and land use ordinances.

Enacted by Chapter 218, 1998 General Session

23-21-4. Right of access to lands for hunting, trapping, or fishing reserved to public -- Exception.

(1) Except as provided in Section 65A-2-5, there is reserved to the public the right of access to all lands owned by the state, including those lands lying below the official government meander line or high water line of navigable waters, for the purpose of hunting, trapping, or fishing.

(2) When any department or agency of the state leases or sells any lands belonging to the state of Utah lying below the official government meander line or the high water line of the navigable waters within the state, the lease, contract of sale, or deed shall contain a provision that:

(a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing during the lawful season, except as provided by Section 65A-2-5; and

(b) no charge may be made by the lessee, contractee, or grantee to any person who desires to go upon the land for the purpose of hunting, trapping, or fishing.

(3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or fishing as provided in this title for other lands and waters.

Amended by Chapter 156, 2000 General Session

23-21-5. State-owned lands authorized for use as wildlife management areas, fishing waters and for other recreational activities.

The Wildlife Board is authorized to use any and all unsurveyed state-owned

lands below the 1855 meander line of the Great Salt Lake within the following townships for the creation, operation, maintenance and management of wildlife management areas, fishing waters and other recreational activities.

Township 2 South, Range 5 West, S.L.B. and M.; Township 2 South, Range 4 West, S.L.B. and M.; Township 1 South, Range 5 West, S.L.B. and M.; Township 1 South, Range 4 West, S.L.B. and M.; Township 1 South, Range 3 West, S.L.B. and M.; Township 1 North, Range 3 West, S.L.B. and M.; Township 1 North, Range 2 West, S.L.B. and M.; Township 2 North, Range 3 West, S.L.B. and M.; Township 2 North, Range 2 West, S.L.B. and M.; Township 2 North, Range 1 West, S.L.B. and M.; Township 3 North, Range 3 West, S.L.B. and M.; Township 3 North, Range 2 West, S.L.B. and M.; Township 3 North, Range 1 West, S.L.B. and M.; Township 4 North, Range 3 West, S.L.B. and M.; Township 4 North, Range 2 West, S.L.B. and M.; Sections 1, 2, 11, 12, 13, 14, 23, and 24, Township 4 North, Range 4 West, S.L.B. and M.; Township 5 North, Range 3 West, S.L.B. and M.; Township 5 North, Range 4 West, S.L.B. and M.; Sections 1, 2, 3, 4, 11, and 12, Township 5 North, Range 5 West, S.L.B. and M.; Township 6 North, Range 5 West, S.L.B. and M.; Township 6 North, Range 4 West, S.L.B. and M.; Township 6 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 5 West, S.L.B. and M.; Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 2 West, S.L.B. and M.; Township 8 North, Range 5 West, S.L.B. and M.; Township 8 North, Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Township 8 North, Range 2 West, S.L.B. and M.; Township 9 North, Range 5 West, S.L.B. and M.; Township 9 North, Range 4 West, S.L.B. and M.; Township 11 North, Range 11 West, S.L.B. and M.; Township 11 North, Range 10 West, S.L.B. and M.; Township 11 North, Range 9 West, S.L.B. and M.; Township 11 North, Range 8 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 10 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 9 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 8 West, S.L.B. and M.

Amended by Chapter 60, 1975 General Session

23-21-6. Acquisition of lands by United States for migratory bird refuges.

(1) The consent of the state of Utah is given to acquisition by the United States of such areas of land or water in the state, as the United States may deem necessary, by and with the consent of the county legislative body of the county where the land or water are located and after approval of application, subject to the laws of the state of Utah for water rights, for the establishment and maintenance of migratory waterfowl refuges in accordance with and for the purpose of the Act of Congress approved February 18, 1929, entitled "Migratory Bird Conservation Act" as amended and the Act of Congress approved March 16, 1935, entitled "Migratory Bird Hunting Stamp Act," as amended; and the same may be used by the United States as refuge for migratory birds, reserving, however, to the state of Utah jurisdiction, both civil and criminal, of persons upon the areas so acquired except so far as the punishment of offenses against the United States are concerned.

(2) Nothing in this section shall be construed to impose under the state or any agency of it any obligation to convey to the United States any interest in land or water

owned or controlled by the state, except upon appropriate terms and for adequate consideration. The reservation to the state of coal and other minerals in lands sold by it within areas so established and easements retained by the state to prospect for, mine, and remove the same are declared to be subject to rules and regulations prescribed from time to time by the Secretary of the Interior for the occupation, use, operation, protection, and administration of these areas as refuges for migratory birds.

Amended by Chapter 227, 1993 General Session

23-21-7. Unlawful uses and activities on division lands.

(1) Except as authorized by statute, rule, contractual agreement, special use permit, certificate of registration, or public notice, a person may not on division land:

(a) remove, extract, use, consume, or destroy any improvement or cultural or historic resource;

(b) remove, extract, use, consume, or destroy any sand, gravel, cinder, ornamental rock, or other common mineral resource, or vegetation resource, except a person may collect for noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on the surface of the ground;

(c) allow livestock to graze;

(d) remove any plant or portion of a plant for commercial gain purposes;

(e) enter, use, or occupy division land that is posted against entry, use, or occupancy;

(f) enter, use, or occupy division land as part of a group of more than 25 people, except a group may include up to 50 persons if the group consists of extended family members;

(g) enter, use, or occupy division land while engaged in or part of an organized event;

(h) use, occupy, destroy, move, or construct any structure, including fences, water control devices, roads, survey and section markers, or signs;

(i) prohibit, prevent, or obstruct public entry on division lands when public entry is authorized by the division;

(j) attempt to manage or control division lands in a manner inconsistent with division management plans, rules, or policies;

(k) solicit, promote, negotiate, barter, sell, or trade any product or service on, or obtained from, division lands for commercial gain;

(l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the area is posted for a different duration;

(m) light a fire without taking adequate precaution to prevent spreading of the fire or leave a fire unattended;

(n) use fireworks, explosives, poisons, herbicides, insecticides, or pesticides;

(o) use motorized vehicles of any kind except as authorized by declaration, management plan, or posting; or

(p) use division lands for any purpose that violates applicable land use restrictions imposed by statute, rule, or by the division.

(2) A person or entity which unlawfully uses division lands is liable for damages in the amount of:

- (a) the value of the resource removed, destroyed, or extracted;
- (b) the amount of damage caused; and
- (c) whichever is greater of:
 - (i) the value of any losses or expenses caused as a result of interference with authorized activities; or
 - (ii) the consideration which would have been charged by the division for use of the land during the period of trespass.
- (3) This section does not apply to division employees or division volunteers while acting in the lawful performance of their duties.
- (4) Except as otherwise provided by statute, the criminal penalty for a violation of any provision of this section is prescribed in Section 23-13-11.

Enacted by Chapter 347, 2009 General Session

23-21a-1. Short title.

This act shall be known and may be cited as the "Pelican Management Act."

Enacted by Chapter 103, 1977 General Session

23-21a-2. Legislative findings and policy.

The legislature of the state of Utah recognizes that the number of breeding sites of the American white pelican has been reduced from in excess of 50 prior to 1932 to only seven major sites in 1976 as a result of the removal of water barriers around breeding sites, loss of food supply, and human disturbance of nesting colonies. The legislature of the state of Utah further recognizes that Gunnison Island in the Great Salt Lake, one of the seven remaining pelican rookeries in North America, produces over 20% of the world's population of the American white pelican, and is the only remaining major pelican rookery that does not have refuge status. It is hereby declared to be the policy of the state of Utah that areas that will support certain threatened life forms shall be preserved for their benefit and for the benefit and enjoyment of present and future generations of people.

Enacted by Chapter 103, 1977 General Session

23-21a-3. State to condemn and purchase islands in Great Salt Lake -- Protection of American white pelican.

This act proposes to implement the policy set forth in Section 23-21a-2 by initiating the condemnation and purchase of the 163-acre Gunnison Island and the 22-acre Hat (Bird) Island in the Great Salt Lake situated in Box Elder County in the state of Utah, to be designated as wildlife management areas under jurisdiction of the Utah state Division of Wildlife Resources to be administered for the protection and perpetuation of the American white pelican.

Enacted by Chapter 103, 1977 General Session

23-21a-4. Payment of fair market value to landowners -- Impartial

appraisal.

The state of Utah, through condemnation, will pay to the landowners a sum equal to the fair market value, as determined by impartial appraisal, for their right, title and interest in and to the surface of said lands.

Enacted by Chapter 103, 1977 General Session

23-21a-5. Mineral rights retained by landowners -- Oil discovery.

The landowners will retain the mineral rights to said lands and in the event of oil discovery, it shall be obtained by off-shore slant drilling.

Enacted by Chapter 103, 1977 General Session

23-21a-6. Nonlapsing appropriation for appraisal and purchase.

There is appropriated from the General Fund to the Division of Wildlife Resources the sum of \$11,000 for appraisal and purchase of the lands designated in Section 23-21a-3. This appropriation shall be non-lapsing.

Enacted by Chapter 103, 1977 General Session

23-22-1. Cooperative agreements and programs authorized.

(1) The Division of Wildlife Resources may enter into cooperative agreements and programs with other state agencies, federal agencies, states, educational institutions, municipalities, counties, corporations, organized clubs, landowners, associations, and individuals for purposes of wildlife conservation.

(2) Cooperative agreements that are policy in nature shall be:

(a) approved by the executive director of the Department of Natural Resources; and

(b) reviewed by the Wildlife Board.

Amended by Chapter 297, 2011 General Session

23-22-2. Acceptance of Acts of Congress.

(1) The state assents to the provisions of 16 U.S.C. Sec. 669 et seq., Wildlife Restoration Act and 16 U.S.C. 777 et seq., Sport Fish Restoration Act.

(2) The division shall conduct and establish cooperative fish and wildlife restoration projects as provided by the acts specified in Subsection (1) and rules promulgated under those acts.

(3) The following revenues received by the state may not be used for any purpose other than the administration of the division:

(a) revenue from the sale of any license, permit, tag, stamp, or certificate of registration that conveys to a person the privilege to take wildlife for sport or recreation, less reasonable vendor fees;

(b) revenue from the sale, lease, rental, or other granting of rights of real or personal property acquired with revenue specified in Subsection (3)(a);

(c) interest, dividends, or other income earned on revenue specified in

Subsection (3)(a) or (b); and

(d) federal aid project reimbursements to the extent that revenue specified in Subsection (3)(a) or (b) originally funded the project for which the reimbursement is being made.

Amended by Chapter 324, 2010 General Session

23-22-3. Reciprocal agreements with other states.

(1) The Wildlife Board is authorized to enter into reciprocal agreements with other states to:

(a) license and regulate fishing, hunting, and related activities; and

(b) promote and implement wildlife management programs.

(2) Reciprocal agreements shall be approved by the executive director of the Department of Natural Resources.

Amended by Chapter 297, 2011 General Session

23-23-1. Purposes.

Cooperative wildlife management units are established to:

(1) provide income to landowners;

(2) create satisfying hunting opportunities;

(3) increase wildlife resources;

(4) provide adequate protection to landowners who open their lands for hunting;
and

(5) provide access to public and private lands for hunting.

Amended by Chapter 258, 1997 General Session

23-23-2. Definitions.

As used in this chapter:

(1) "Cooperative wildlife management unit" or "unit" means a generally contiguous area of land open for hunting small game, waterfowl, cougar, turkey, or big game which is registered in accordance with this chapter and rules of the Wildlife Board.

(2) (a) "Cooperative wildlife management unit agent" means a person appointed by a landowner, landowner association, or landowner association operator to perform the functions described in Section 23-23-9.

(b) For purposes of this chapter, a cooperative wildlife management unit agent may not:

(i) be appointed by the division or the state;

(ii) be an employee or agent of the division;

(iii) receive compensation from the division or the state to act as a cooperative wildlife management unit agent; or

(iv) act as a peace officer or perform any duties of a peace officer without qualifying as a peace officer under Title 53, Chapter 13, Peace Officer Classifications.

(3) "Cooperative wildlife management unit authorization" means a card, label,

ticket, or other identifying document authorizing the possessor to hunt small game or waterfowl in a cooperative wildlife management unit.

(4) "Cooperative wildlife management unit permit" means a permit authorizing the possessor to hunt cougar, turkey, or big game in a cooperative wildlife management unit.

(5) "Division" means the Division of Wildlife Resources.

(6) "Landowner association" means a landowner or an organization of owners of private lands who operates a cooperative wildlife management unit.

(7) (a) "Landowner association operator" means a person designated by a landowner association to operate the cooperative wildlife management unit.

(b) For purposes of this chapter, a landowner association operator may not:

- (i) be appointed by the division; or
- (ii) be an employee or agent of the division.

Amended by Chapter 112, 2005 General Session

23-23-3. Rulemaking authority of Wildlife Board.

The Wildlife Board is authorized to make and enforce rules applicable to cooperative wildlife management units organized for the hunting of small game, waterfowl, cougar, turkey, or big game that in its judgment are necessary to administer and enforce the provisions of this chapter.

Amended by Chapter 112, 2005 General Session

23-23-4. Operation by landowner association.

A landowner association shall operate a cooperative wildlife management unit as prescribed by this chapter and the rules of the Wildlife Board.

Amended by Chapter 258, 1997 General Session

23-23-5. Certificate of registration -- Renewal.

(1) A landowner association may not establish or operate a cooperative wildlife management unit without first obtaining a certificate of registration from the Wildlife Board.

(2) The Wildlife Board may renew annually certificates of registration if the landowner association has previously complied with this chapter and the rules of the Wildlife Board.

Amended by Chapter 258, 1997 General Session

23-23-6. Season dates -- Boundaries -- Review by councils and board.

(1) The Wildlife Board shall establish season dates and boundaries for each cooperative wildlife management unit.

(2) Season dates may differ from general statewide season dates.

(3) At least every five years, cooperative wildlife management units containing public land will be reviewed by the regional advisory councils and the Wildlife Board.

Repealed and Re-enacted by Chapter 258, 1997 General Session

23-23-7. Permits -- Acreage and lands that may be included -- Posting of boundaries.

(1) The division shall provide cooperative wildlife management unit authorizations for hunting small game or waterfowl to the cooperative wildlife management unit, free of charge.

(2) At least 50% of the cooperative wildlife management unit authorizations for hunting small game or waterfowl provided to a cooperative wildlife management unit shall be offered for sale to the general public at the times and places designated on the application for a certificate of registration.

(3) (a) Cooperative wildlife management units organized for hunting small game or waterfowl shall consist of private land.

(b) At least 75% of the acreage within the boundaries of each cooperative wildlife management unit organized for the hunting of small game or waterfowl shall be open to hunting by holders of valid authorizations.

(4) (a) The division may issue cooperative wildlife management unit permits for hunting cougar, turkey, or big game to permittees:

- (i) qualifying through a public drawing; or
- (ii) named by the cooperative wildlife management unit operator.

(b) The Wildlife Board may specify by rule those persons who are eligible to draw a cooperative wildlife management unit permit in a public drawing.

(5) (a) Cooperative wildlife management units organized for hunting cougar, turkey, or big game shall consist of private land to the extent practicable. Public land may be included within a cooperative wildlife management unit if:

- (i) the public land is completely surrounded by private land or is otherwise inaccessible to the general public;
- (ii) including public land is necessary to establish a readily identifiable boundary; or
- (iii) including public land is necessary to achieve cougar, turkey, or big game management objectives.

(b) If any public land is included within a cooperative wildlife management unit:

- (i) the landowner association shall meet applicable federal or state land use requirements on the public land; and
- (ii) the Wildlife Board shall increase the number of permits or hunting opportunities made available to the general public to reflect the proportion of public lands to private lands within the cooperative wildlife management unit.

(6) Each landowner association shall:

(a) clearly post all boundaries of the unit by displaying signs containing information prescribed by rule of the Wildlife Board at the locations specified in Subsection 23-20-14(1)(d); and

(b) provide a written copy of its guidelines to each holder of an authorization or permit.

Amended by Chapter 112, 2005 General Session

23-23-7.5. Landowner association to provide comparable hunting opportunities.

A landowner association shall provide each holder of an authorization or permit a comparable hunting opportunity in terms of hunting area and number of days.

Enacted by Chapter 258, 1997 General Session

23-23-8. Compensation for damage -- Claims.

A landowner participating in a cooperative wildlife management unit who incurs damages caused by a hunter on his or her land may submit a claim and receive compensation for the claim from money received for cooperative wildlife management unit authorization or permit fees collected by the landowner association.

(1) These claims shall:

(a) be paid first and have priority over all other obligations of the landowner association;

(b) be reviewed, investigated, and paid by the landowner association; and

(c) not exceed annual revenues of a unit.

(2) A landowner participating in a cooperative wildlife management unit who incurs damages caused by a hunter on his or her land may not hold the state liable for compensation.

Amended by Chapter 258, 1997 General Session

23-23-9. Agents -- Appointment -- Identification -- Refusal of entry by agent.

(1) A landowner association may appoint cooperative wildlife management unit agents to protect private property of the cooperative wildlife management unit.

(2) Each cooperative wildlife management unit agent shall wear or have in his or her possession a form of identification prescribed by the Wildlife Board which indicates he or she is a cooperative wildlife management unit agent.

(3) A cooperative wildlife management unit agent may refuse entry into private lands within a cooperative wildlife management unit to any person, except an owner of land within the unit and his or her employees, who:

(a) does not have in his or her possession a cooperative wildlife management unit authorization or permit;

(b) endangers or has endangered human safety;

(c) damages or has damaged private property within a cooperative wildlife management unit; or

(d) fails or has failed to comply with reasonable rules of a landowner association.

(4) In performing the functions described in this section, a cooperative wildlife management unit agent shall comply with the relevant laws of this state.

Amended by Chapter 258, 1997 General Session

23-23-10. Possession of permits and licenses by hunter -- Restrictions.

- (1) A person may not hunt in a cooperative wildlife management unit without having in his or her possession:
- (a) a valid cooperative wildlife management unit authorization or permit or other permit as authorized by the wildlife board; and
 - (b) the necessary hunting licenses, tags, and stamps.
- (2) A cooperative wildlife management unit authorization or permit:
- (a) entitles the holder to hunt only in the unit specified on the authorization or permit pursuant to rules and proclamations of the Wildlife Board and does not entitle the holder to hunt on any other private or public land; and
 - (b) constitutes written permission for trespass as required under Section 23-20-14.

Amended by Chapter 44, 2000 General Session

23-23-11. Failure to comply with rules and requirements.

A person shall leave private property within a cooperative wildlife management unit immediately, upon request of a landowner, landowner association operator, or cooperative wildlife management unit agent, if that person:

- (1) does not have in that person's possession a cooperative wildlife management unit authorization or permit;
- (2) endangers or has endangered human safety;
- (3) damages or has damaged private property within a cooperative wildlife management unit; or
- (4) fails or has failed to comply with reasonable rules of a landowner association.

Amended by Chapter 297, 2011 General Session

23-23-12. Damage or destruction of property.

A person on the land of another person may not intentionally damage, disarrange, or destroy that person's property.

Enacted by Chapter 158, 1988 General Session

23-23-13. Violation of chapter -- Class B misdemeanor.

Any person who violates any provision of this chapter is guilty of a class B misdemeanor, unless another penalty is provided elsewhere in the laws of this state.

Enacted by Chapter 158, 1988 General Session

23-23-14. Landowner protection under Landowner Liability Act.

Landowners who participate in cooperative wildlife management units shall have the full protection afforded under Title 57, Chapter 14, Limitations on Landowner Liability.

Amended by Chapter 212, 2013 General Session

23-24-1. Procedure to obtain compensation for livestock damage done by bear, mountain lion, wolf, or eagle.

(1) As used in this section:

(a) "Damage" means injury to or loss of livestock.

(b) "Division" means the Division of Wildlife Resources.

(c) "Livestock" means cattle, sheep, goats, or turkeys.

(d) (i) "Wolf" means the gray wolf *Canis lupus*.

(ii) "Wolf" does not mean a wolf hybrid with a domestic dog.

(2) (a) (i) Except as provided by Subsection (2)(a)(ii), if livestock are damaged by a bear, mountain lion, wolf, or an eagle, the owner may receive compensation for the fair market value of the damage.

(ii) The owner may not receive compensation if the livestock is damaged by a wolf within an area where a wolf is endangered or threatened under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq.

(b) To obtain this compensation, the owner of the damaged livestock shall notify the division of the damage as soon as possible, but no later than four days after the damage is discovered.

(c) The owner shall notify the division each time any damage is discovered.

(3) The livestock owner shall file a proof of loss form, provided by the division, no later than 30 days after the original notification of damage was given to the division by the owner.

(4) (a) (i) The division, with the assistance of the Department of Agriculture and Food shall:

(A) within 30 days after the owner files the proof of loss form, either accept or deny the claim for damages; and

(B) subject to Subsections (4)(a)(ii) through (4)(a)(iv), pay all accepted claims to the extent money appropriated by the Legislature is available for this purpose.

(ii) Money appropriated from the Wildlife Resources Account may be used to provide compensation for only up to 50% of the fair market value of any damaged livestock.

(iii) Money appropriated from the Wildlife Resources Account may not be used to provide compensation for livestock damaged by an eagle or a wolf.

(iv) The division may not pay any eagle damage claim until the division has paid all accepted mountain lion and bear damage claims for the fiscal year.

(b) The division may not pay mountain lion, bear, wolf, or eagle damage claims to a livestock owner unless the owner has filed a completed livestock form and the appropriate fee as outlined in Section 4-23-7 for the immediately preceding and current year.

(c) (i) Unless the division denies a claim for the reason identified in Subsection (4)(b), the owner may appeal the decision to a panel consisting of one person selected by the owner, one person selected by the division, and a third person selected by the first two panel members.

(ii) The panel shall decide whether the division should pay all of the claim, a portion of the claim, or none of the claim.

(5) By following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make and enforce rules to

administer and enforce this section.

Amended by Chapter 297, 2011 General Session

23-25-1. Short title.

This chapter shall be known as the "Wildlife Violator Compact."

Enacted by Chapter 260, 1992 General Session

23-25-2. Adoption and text of compact.

(1) The participating states find that:

(a) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(b) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of the resources.

(c) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of the natural resources.

(d) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

(e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(f) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(g) Usually, a person who is cited for a wildlife violation in a state other than his home state:

(i) is required to post collateral or bond to secure appearance for a trial at a later date; or

(ii) is taken directly into custody until collateral or bond is posted; or

(iii) is taken directly to court for an immediate appearance.

(h) The purpose of the enforcement practices set forth in Subsection (g) of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.

(i) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.

(j) The practices described in Subsection (g) of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and is compelled to remain in custody until some alternative arrangement is made.

(k) The enforcement practices described in Subsection (g) of this article consume an undue amount of enforcement time.

(2) It is the policy of the participating states to:

(a) promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to the management of wildlife resources in their respective states;

(b) recognize the suspension of wildlife license privileges of a person whose license privileges have been suspended by a participating state and treat the suspension as if it had occurred in their state;

(c) allow a violator, except as provided in Subsection 23-25-4(2), to accept a wildlife citation and, without delay, proceed on his way, whether or not the violator is a resident of the state in which the citation was issued, provided that the violator's home state is a party to this compact;

(d) report to the appropriate participating state, as provided in the compact manual, a conviction recorded against a person whose home state was not the issuing state;

(e) allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state;

(f) extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another state;

(g) maximize effective use of law enforcement personnel and information; and

(h) assist court systems in the efficient disposition of wildlife violations.

Enacted by Chapter 260, 1992 General Session

23-25-3. Definitions.

As used in this compact:

(1) "Citation" means a summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

(2) "Collateral" means cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(3) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges.

(4) "Conviction" means a conviction, including any court conviction, for an offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule. This conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed the offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.

(5) "Court" means a court of law, including magistrate's court and the justice of the peace court.

(6) "Home state" means the state of primary residence of a person.

(7) "Issuing state" means the participating state which issues a wildlife citation to the violator.

(8) "License" means a license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.

(9) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(10) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.

(11) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of the citation.

(12) "State" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and the other countries.

(13) "Suspension" means a revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

(14) "Wildlife" means species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purpose of this compact shall be based on local law.

(15) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.

(16) "Wildlife officer" means an individual authorized by a participating state to issue a citation for a wildlife violation.

(17) "Wildlife violation" means a cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.

Enacted by Chapter 260, 1992 General Session

23-25-4. Procedures for issuing state.

(1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to a person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require the person to post collateral to secure appearance, subject to the exceptions under Subsection (2), if the officer receives the recognizance of the person that he will comply

with the terms of the citation.

(2) Personal recognizance is acceptable:

(a) if not prohibited by local law or the compact manual; and

(b) if the violator provides adequate proof of identification to the wildlife officer.

(3) (a) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued.

(b) The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

(4) Upon receipt of the report of a conviction or noncompliance pursuant to Subsection (3)(b), the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and with the content as prescribed in the compact manual.

Enacted by Chapter 260, 1992 General Session

23-25-5. Procedure for home state.

(1) (a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the term of a citation, the licensing authority of the home state shall:

(i) notify the violator;

(ii) initiate a suspension action in accordance with the home state's suspension procedures; and

(iii) suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority.

(b) Due process safeguards will be accorded.

(2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

(3) The licensing authority of the home state shall:

(a) maintain a record of actions taken; and

(b) make reports to issuing states as provided in the compact manual.

Enacted by Chapter 260, 1992 General Session

23-25-6. Reciprocal recognition of suspension.

(1) All participating states shall recognize the suspension of license privileges of a person by the participating state as though the violation resulting in the suspension:

(a) had occurred in their state; and

(b) could have been the basis of the suspension of license privileges in their state.

(2) Each participating state shall communicate suspension information to other participating states in the form and with the content as contained in the compact

manual.

Enacted by Chapter 260, 1992 General Session

23-25-7. Applicability of other laws.

Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to a person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

Enacted by Chapter 260, 1992 General Session

23-25-8. Compact administrator procedures.

- (1) (a) A Board of Compact Administrators is established to:
 - (i) administer the provisions of this compact; and
 - (ii) serve as a governing body for the resolution of all matters relating to the operation of this compact.
- (b) The board shall be composed of one representative from each of the participating states to be known as the compact administrator.
- (c) The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he represents.
- (d) A compact administrator may provide for the discharge of his duties and the performance of his function as a board member by an alternate.
- (e) An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.
- (2) (a) Each member of the board of compact administrators shall be entitled to one vote.
- (b) An action of the board shall not be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof.
- (c) Action by the board shall be only at a meeting at which a majority of the participating states are represented.
- (3) The board shall elect annually from its membership a chairman and vice-chairman.
- (4) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.
- (5) The board may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, utilize, and dispose of the donations and grants.
- (6) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.

(7) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted to board action shall be contained in a compact manual.

Enacted by Chapter 260, 1992 General Session

23-25-9. Entry into compact and withdrawal.

(1) This compact shall become effective at the time it is adopted in substantially similar form by two or more states.

(2) (a) Entry into the compact shall be made by resolution of ratification by the authorized officials of the applying state and submitted to the chairman of the board.

(b) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:

(i) a citation of the authority from which the state is empowered to become a party to this compact;

(ii) an agreement of compliance with the terms and provisions of this compact; and

(iii) an agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(c) The effective date of entry shall be specified by the applying state but shall not be less than 60 days after notice has been given:

(i) by the chairman of the board of the compact administrators; or

(ii) by the secretary of the board to each participating state that the resolution from the applying state has been received.

(3) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

Enacted by Chapter 260, 1992 General Session

23-25-10. Amendments to the compact.

(1) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and shall be initiated by one or more participating states.

(2) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

(3) Failure of a participating state to respond to the compact chairman within 120 days after receipt of a proposed amendment shall constitute endorsement thereof.

Amended by Chapter 4, 1993 General Session

23-25-11. Construction and severability.

(1) This compact shall be liberally construed so as to effectuate the purposes stated herein.

(2) The provisions of this compact shall be severable and if a phrase, clause,

sentence, or provision of this compact is declared to be contrary to the constitution of a participating state or of the United States, or the applicability thereof to a government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby.

(3) If this compact is held contrary to the constitution of a participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected regarding all severable matters.

Enacted by Chapter 260, 1992 General Session

23-25-12. Title.

This compact shall be known as the "Wildlife Violator Compact."

Enacted by Chapter 260, 1992 General Session

23-25-13. Licensing authority -- Administrator -- Expenses.

(1) The Division of Wildlife Resources is designated as the licensing authority in this state for the purpose of the compact.

(2) The director of the Division of Wildlife Resources shall furnish to the appropriate authorities of the participating states any information or documents reasonably necessary to facilitate the administration of the compact.

(3) The compact administrator provided for in Section 23-25-8, "Wildlife Violator Compact," shall not be entitled to any additional compensation for his service as the administrator but shall be entitled to expenses incurred in connection with his duties and responsibilities as administrator in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

Enacted by Chapter 260, 1992 General Session

23-27-101. Title.

This chapter is known as the "Aquatic Invasive Species Interdiction Act."

Enacted by Chapter 284, 2008 General Session

23-27-102. Definitions.

As used in this chapter:

(1) "Board" means the Wildlife Board.

(2) (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may carry or contain a Dreissena mussel.

(b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a container, a trailer, a live well, or a bilge area.

(3) "Decontaminate" means to:

(a) drain and dry all non-treated water; and

(b) chemically or thermally treat in accordance with rule.

(4) "Director" means the director of the division.

(5) "Division" means the Division of Wildlife Resources.

(6) "Dreissena mussel" means a mussel of the genus *Dreissena* at any life stage, including a zebra mussel, a quagga mussel, and Conrad's false mussel.

(7) "Equipment" means an article, tool, implement, or device capable of carrying or containing:

(a) water; or

(b) a *Dreissena* mussel.

(8) "Executive director" means the executive director of the Department of Natural Resources.

(9) "Facility" means a structure that is located within or adjacent to a water body.

(10) "Infested water" means a geographic region, water body, facility, or water supply system within or outside the state that the board identifies in rule as carrying or containing a *Dreissena* mussel.

(11) "Water body" means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

(12) (a) "Water supply system" means a system that treats, conveys, or distributes water for irrigation, industrial, waste water treatment, or culinary use.

(b) "Water supply system" includes a pump, canal, ditch, or pipeline.

(c) "Water supply system" does not include a water body.

Enacted by Chapter 284, 2008 General Session

23-27-201. Invasive species prohibited.

(1) Except as authorized in this title or a board rule or order, a person may not:

(a) possess, import, export, ship, or transport a *Dreissena* mussel;

(b) release, place, plant, or cause to be released, placed, or planted a *Dreissena* mussel in a water body, facility, or water supply system; or

(c) transport a conveyance or equipment that has been in an infested water within the previous 30 days without decontaminating the conveyance or equipment.

(2) A person who violates Subsection (1):

(a) is strictly liable;

(b) is guilty of an infraction; and

(c) shall reimburse the state for all costs associated with detaining, quarantining, and decontaminating the conveyance or equipment.

(3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class A misdemeanor.

Enacted by Chapter 284, 2008 General Session

23-27-202. Reporting of invasive species required.

(1) A person who discovers a *Dreissena* mussel within this state or has reason to believe a *Dreissena* mussel may exist at a specific location shall immediately report the discovery to the division.

(2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

Enacted by Chapter 284, 2008 General Session

23-27-301. Division's power to prevent invasive species infestation.

To eradicate and prevent the infestation of a Dreissena mussel, the division may:

- (1) temporarily stop, detain, and inspect a conveyance or equipment that:
 - (a) the division reasonably believes is in violation of Section 23-27-201; or
 - (b) is stopped at a port-of-entry;
- (2) require a motor vehicle transporting a conveyance or equipment to stop for an inspection at a port-of-entry if the Department of Transportation authorizes the division to use the port-of-entry;
- (3) conduct an administrative checkpoint in accordance with Section 77-23-104;
- (4) detain and quarantine a conveyance or equipment as provided in Section 23-27-302;
- (5) order a person to decontaminate a conveyance or equipment; and
- (6) inspect the following that may contain a Dreissena mussel:
 - (a) a water body;
 - (b) a facility; and
 - (c) a water supply system.

Enacted by Chapter 284, 2008 General Session

23-27-302. Conveyance or equipment detainment or quarantine.

- (1) The division, a port-of-entry agent, or a peace officer may detain or quarantine a conveyance or equipment if:
 - (a) the division, agent, or peace officer:
 - (i) finds the conveyance or equipment contains a Dreissena mussel; or
 - (ii) reasonably believes that the person transporting the conveyance or equipment is in violation of Section 23-27-201; or
 - (b) the person transporting the conveyance or equipment refuses to submit to an inspection authorized by Section 23-27-301.
- (2) The detainment or quarantine authorized by Subsection (1) may continue for:
 - (a) up to five days; or
 - (b) the period of time necessary to:
 - (i) decontaminate the conveyance or equipment; and
 - (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

Enacted by Chapter 284, 2008 General Session

23-27-303. Closing a water body, facility, or water supply system.

- (1) Except as provided by Subsection (6), if the division detects or suspects a Dreissena mussel is present in a water body, a facility, or a water supply system, the director or the director's designee may, with the concurrence of the executive director, order:
 - (a) the water body, facility, or water supply system closed to a conveyance or equipment;
 - (b) restricted access by a conveyance or equipment to a water body, facility, or water supply system; or

(c) a conveyance or equipment that is removed from or introduced to the water body, facility, or water supply system to be inspected, quarantined, or decontaminated in a manner and for a duration necessary to detect and prevent the infestation of a Dreissena mussel.

(2) If a closure authorized by Subsection (1) lasts longer than seven days, the division shall:

(a) provide a written update to the operator of the water body, facility, or water supply system every 10 days on the division's effort to address the Dreissena infestation; and

(b) post the update on the division's website.

(3) (a) The board shall develop procedures to ensure proper notification of a state, federal, or local agency that is affected by a Dreissena mussel infestation.

(b) The notification shall include:

(i) the reasons for the closure, quarantine, or restriction; and

(ii) methods for providing updated information to the agency.

(4) When deciding the scope, duration, level, and type of restriction or a quarantine or closure location, the director shall consult with the person with the jurisdiction, control, or management responsibility over the water body, facility, or water supply system to avoid or minimize disruption of economic and recreational activity.

(5) (a) A person that operates a water supply system shall cooperate with the division to implement a measure to:

(i) avoid infestation by a Dreissena mussel; and

(ii) control or eradicate a Dreissena mussel infestation that may occur in a water supply system.

(b) (i) If a Dreissena mussel is detected, the water supply system's operator, in cooperation with the division, shall prepare and implement a plan to control or eradicate a Dreissena mussel within the water supply system.

(ii) A plan required by Subsection (5)(b)(i) shall include a:

(A) method for determining the scope and extent of the infestation;

(B) method to control or eradicate the Dreissena mussel;

(C) method to decontaminate the water supply system containing the Dreissena mussel;

(D) systematic monitoring program to determine a change in the infestation; and

(E) requirement to update or revise the plan in conformity with a scientific advance in the method of controlling or eradicating a Dreissena mussel.

(6) (a) The division may not close or quarantine a water supply system if the operator has prepared and implemented a plan to control or eradicate a Dreissena mussel in accordance with Subsection (5).

(b) (i) The division may require the operator to update a plan.

(ii) If the operator fails to update or revise a plan, the division may close or quarantine the water supply system in accordance with this section.

Enacted by Chapter 284, 2008 General Session

23-27-401. Rulemaking authority.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

the board may make rules that:

- (1) establish the procedures and requirements for decontaminating a conveyance or equipment to prevent the introduction and infestation of a Dreissena mussel;
- (2) establish the requirements necessary to provide proof that a conveyance or equipment is decontaminated;
- (3) establish the notification procedures required in Section 23-27-303;
- (4) identify the geographic area, water body, facility, or water supply system that is infested by Dreissena mussels;
- (5) establish a procedure and protocol in cooperation with the Department of Transportation for stopping, inspecting, detaining, and decontaminating a conveyance or equipment at a port-of-entry in accordance with Section 23-27-301; and
- (6) are necessary to administer and enforce the provisions of this chapter.

Enacted by Chapter 284, 2008 General Session

23-28-101. Title.

This chapter is known as the "Migratory Bird Production Area."

Enacted by Chapter 273, 2009 General Session

23-28-102. Definitions.

As used in this chapter:

- (1) "Migratory bird" is as defined in 16 U.S.C. Sec. 715j.
- (2) "Migratory bird production area" means an area of land that is:
 - (a) created under this chapter; and
 - (b) used according to the description in Subsections 23-28-201(1)(b)(iii)(A) through (B).

Enacted by Chapter 273, 2009 General Session

23-28-201. Creation of a migratory bird production area.

(1) (a) On or before July 1, 2010, an owner or owners of at least 500 contiguous acres of land in an unincorporated area may dedicate the land as a migratory bird production area by filing a notice of dedication with the county recorder of the county in which the land is located.

(b) The notice of dedication shall contain:

- (i) the legal description of the land included within the migratory bird production area;
- (ii) the name of the owner or owners of the land included within the migratory bird production area; and
- (iii) an affidavit signed by each landowner that all of the land, except as provided by Subsection (2), within the migratory bird production area is:
 - (A) actively managed for migratory bird:
 - (I) production;
 - (II) habitat; or

(III) hunting; and

(B) used for a purpose compatible with the purposes described in Subsection (1)(b)(iii)(A).

(c) A person who files a notice of dedication under this section shall give a copy of the notice of dedication within 10 days of its filing to the legislative body of the county in which the migratory bird production area is located.

(2) (a) The notice of dedication may designate land, the amount of which is less than 1% of the total acreage within a migratory bird production area, upon which the landowner may build a structure described in Subsection 23-28-302(1)(b).

(b) (i) An owner may build or maintain a road, dike, or water control structure within the migratory bird production area.

(ii) A road, dike, or water control structure is not considered a structure for purposes of Subsection (2)(a).

(3) (a) Within 30 days of the day on which the county legislative body receives a copy of the notice of dedication under Subsection (1)(c), the county legislative body may bring an action in district court to cancel or revise a migratory bird production area on the basis that an affidavit filed as part of the notice of dedication under Subsection (1)(b)(iii) is inaccurate.

(b) In bringing the action, the county legislative body shall specify the portion of the migratory bird production area and the affidavit subject to the action.

(c) In an action brought under this Subsection (3), the person who files an affidavit described in Subsection (3)(a) has the burden to prove by a preponderance of the evidence that the affidavit is accurate.

(d) If the court cancels or revises a migratory bird production area, the person who filed the original notice of dedication shall file a revision notice with the county recorder reflecting the court's order.

Enacted by Chapter 273, 2009 General Session

23-28-202. Removing property from a migratory bird production area.

(1) A landowner may file a revision notice with the county recorder of the county in which the migratory bird production area is located to remove land from a migratory bird production area.

(2) The revision notice shall contain:

(a) a legal description of the land removed from the migratory bird production area; and

(b) the name of the owner or owners of the land removed from the migratory bird production area.

(3) A person who files a revision notice under this section shall give a copy of the revision notice within 10 days of its filing to the legislative body of the county in which the migratory bird production area is located.

(4) If removing land from a migratory bird production area results in a migratory bird production area of less than 300 contiguous acres:

(a) the migratory bird production area ceases to exist; and

(b) the landowner shall:

(i) notify each landowner within the former migratory bird production area; and

(ii) file the revision notice required by this section for the entire migratory bird production area.

Amended by Chapter 218, 2010 General Session

23-28-301. Farmland Assessment Act.

(1) Creation of a migratory bird production area does not impair the ability of land within the migratory bird production area to qualify for the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment Act.

(2) The eligibility of land for the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment Act, is determined exclusively by the provisions of that act, notwithstanding the land's location within a migratory bird production area.

Enacted by Chapter 273, 2009 General Session

23-28-302. Limitations on local regulations.

(1) (a) A county within which a migratory bird production area is located shall encourage the continuity, development, and viability of the migratory bird production area.

(b) A structure or improvement historically or customarily used in conjunction with a migratory bird production area is considered a permitted use under the county's zoning law, ordinance, or regulation.

(2) A county within which a migratory bird production area is located may not:

(a) enact a law, ordinance, or regulation that unreasonably restricts an activity normally associated with the migratory bird production area;

(b) change the zoning designation of, or a zoning regulation applying to land within a migratory bird production area unless the county receives written approval for the change from all the landowners within the migratory bird production area; or

(c) enact a law, ordinance, or regulation concerning the use, operation, or discharge of a firearm that is more restrictive than state law, except as provided by Subsection 23-14-1(3)(b).

Enacted by Chapter 273, 2009 General Session

23-28-303. Nuisances.

(1) (a) A county shall exclude the activities described in Subsection (1)(b) from the definition of public nuisance in a county law or ordinance regulating a public nuisance.

(b) An activity or occurrence normally associated with a migratory bird production area is not a nuisance, including:

(i) hunting;

(ii) discharging a firearm;

(iii) improving habitat;

(iv) trapping;

(v) eradicating weeds;

(vi) discing;

- (vii) planting;
- (viii) impounding water;
- (ix) raising a bird or other domestic animal;
- (x) grazing;
- (xi) an activity conducted in the normal course of an agricultural operation as defined in Section 78B-6-1101; and
- (xii) an odor.

(2) In a civil action for nuisance or a criminal action for public nuisance under Section 76-10-803, it is a complete defense if the action is:

- (a) normally associated with a migratory bird production area;
- (b) conducted within a migratory bird production area; and
- (c) not in violation of any federal or state law.

(3) An owner of a new development located in whole or in part within 1,000 feet of a migratory bird production area shall provide the following notice on any plat filed with the county recorder:

"Migratory Bird Production Area

This property is located in the vicinity of an established migratory bird production area in which hunting and activities related to the management and operation of land for the benefit of migratory birds have been afforded the highest priority use status. It can be anticipated that these uses and activities may now or in the future be conducted on land within the migratory bird production area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from activities normally associated with a migratory bird production area."

Enacted by Chapter 273, 2009 General Session

23-28-304. Annexation restrictions.

A municipality may annex real property within a migratory bird production area as provided by Title 10, Chapter 2, Part 4, Annexation.

Enacted by Chapter 273, 2009 General Session

23-28-305. Application of Water Quality Act.

A migratory bird production area is subject to Title 19, Chapter 5, Water Quality Act.

Enacted by Chapter 273, 2009 General Session

23-29-101. Title.

This chapter is known as the "Wolf Management Act."

Enacted by Chapter 20, 2010 General Session

23-29-102. Definitions.

As used in this chapter:

- (1) "Service" means the United States Fish and Wildlife Service.
- (2) "Wolf" means the species *Canis lupus*.

Enacted by Chapter 20, 2010 General Session

23-29-103. Legislative findings and declarations.

- (1) Section 23-14-1 appoints the division as trustee and custodian of protected wildlife in the state.
- (2) The wolf is listed as endangered under the federal Endangered Species Act throughout the greater portion of the state.
- (3) The service is the federal agency charged with responsibility to administer the Endangered Species Act.
- (4) The service acknowledges that Utah is not critical to the recovery of wolves and that it does not intend to actively recover wolves in the state.
- (5) The division prepared a wolf management plan outlining its management objectives for the wolf in Utah when the wolf was delisted and removed from federal control.
- (6) The wolf management plan prepared by the division was formally submitted to the service in 2007 for approval.
- (7) The service has neither approved, denied, nor otherwise commented on the plan since receiving it in 2007.
- (8) The state formally requested, in writing on multiple occasions, that the service delist the wolf throughout Utah, and the service has failed to acknowledge or otherwise respond to any of the requests.
- (9) The state cannot adequately or effectively manage wolves on a pack level in the small area of the state where the species is currently delisted without significantly harming other vital state interests, including livestock and big game populations.
- (10) It is the policy of the state to legally advocate and facilitate the delisting of wolves in Utah under the Endangered Species Act and to return wolf management authority to the state.

Enacted by Chapter 20, 2010 General Session

23-29-201. Wolf management.

- (1) The division shall contact the service upon discovering a wolf in any area of the state where wolves are listed as threatened or endangered under the Endangered Species Act and request immediate removal of the animal from the state.
- (2) The division shall manage wolves to prevent the establishment of a viable pack in all areas of the state where the wolf is not listed as threatened or endangered under the Endangered Species Act until the wolf is completely delisted under the act and removed from federal control in the entire state.
- (3) Subsections (1) and (2) do not apply to wolves lawfully held in captivity and restrained.

Enacted by Chapter 20, 2010 General Session

23-29-202. Rulemaking.

The division may make administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to manage the wolf in accordance with this chapter.

Enacted by Chapter 20, 2010 General Session

23-30-101. Title.

This chapter is known as the "Mule Deer Protection Act."

Enacted by Chapter 143, 2012 General Session

23-30-102. Definitions.

As used in this chapter:

- (1) "General predator control" means a predatory animal removal effort by the division to reduce predatory animal numbers for the benefit of mule deer.
- (2) "Predatory animal" means a coyote.
- (3) "Targeted predator control" means a predatory animal removal effort by the division:
 - (a) to reduce predatory animal numbers in an area where mule deer predation occurs; and
 - (b) that focuses on specific locations and certain times.

Enacted by Chapter 143, 2012 General Session

23-30-103. Mule Deer Protection Account -- Contents -- Use of Funds.

- (1) There is created a restricted account within the General Fund known as the "Mule Deer Protection Restricted Account."
 - (a) The restricted account shall consist of:
 - (i) appropriations made by the Legislature; and
 - (ii) grants or donations from:
 - (A) the federal government;
 - (B) a state agency;
 - (C) a local government; or
 - (D) a person.
 - (b) The division shall administer the restricted account.
- (2) Subject to appropriation, the division may expend money in the restricted account on:
 - (a) a program established by rule under Subsection 23-30-104(1);
 - (b) a contract for targeted predator control described in Subsection 23-30-104(3)(a);
 - (c) predator control education and training related to mule deer protection described in Subsection 23-30-104(3)(b); and
 - (d) administration costs incurred to carry out the requirements of this chapter.

Enacted by Chapter 143, 2012 General Session

23-30-104. Rulemaking authority, coordination, and administration for predator control.

(1) The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish programs to accomplish targeted predator control or general predator control, including programs that offer incentives or compensation to participants who remove a predatory animal that is detrimental to mule deer production.

(2) The division shall:

(a) administer a program established under Subsection (1);

(b) coordinate with federal, state, and local governments, and private persons to accomplish the purposes of this chapter; and

(c) coordinate with the Department of Agriculture and Food and the Agriculture and Wildlife Damage Prevention Board created in Section 4-23-4 to:

(i) minimize unnecessary duplication of predator control efforts; and

(ii) prevent interference between predator control programs administered under Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act, and this chapter.

(3) The division may:

(a) contract with a vendor that offers targeted predator control services; and

(b) prepare and distribute educational and training materials related to mule deer protection.

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